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1999

Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 41 — October 08, 1999

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Jesse White
Secretary of State

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	16, 1999 - Issue 16: Through	March	31, 1999
July	16, 1999 - Issue 29: Through	June	30, 1999
October	15, 1999 - Issue 42: Through	September	30, 1999
January	21, 2000 - Issue 3: Through	December	31, 1999 (Annual)

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Calculation, Assessment and Collection of Periodic Fees

2) Code Citation: 38 Ill. Adm. Code 375

3) Section Number Proposed Action:

375.10	Amendment
375.20	Amendment
375.30	Amendment
375.31	New
375.32	New
375.33	New
375.34	New
375.40	Amendment
375.41	New
375.50	Amendment
375.51	New
375.60	Amendment
375.70	Amendment

4) Statutory Authority: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

5) A complete description of the subjects and issues involved: The proposed rulemaking modifies and updates the existing regulatory fee rule that applies to Illinois state chartered banks, trust companies, and foreign bank offices regulated by the Office of Banks and Real Estate. Certain fees are being established or increased to insure that regulatory fees for these institutions are sufficient to cover the cost of regulation and are assessed in an equitable manner. The rulemaking would increase the annual fixed fee for state banks from \$800 to \$2,000. It would raise the statutory EDP fee paid by state banks from 5.75% of a bank's call report fee to 15% of the fee, to reflect the increased time and attention being devoted to regulation of EDP and information systems activities. Quarterly fees paid by State banks receiving regulatory ratings in the lowest 3 categories would increase to reflect the greater regulatory effort expended on such banks. The proposed rulemaking also codifies certain existing regulatory fees already being paid by corporate fiduciaries and establishes a minimum quarterly fee for foreign bank offices in Illinois to insure that zero asset institutions help defray the cost of foreign bank office regulation.

6) Will these proposed amendments replace emergency amendments currently in

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENT

effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending to this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Scott D. Clarke
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701
(217) 785-2900 fax: (217) 557-0330

The Agency will consider all written comments it receives in writing within 45 days of the date of publication of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: The rulemaking applies to state chartered banks, trust companies, and foreign bank offices regulated by the Office of Banks and Real Estate.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The issue addressed by the rulemaking had not been finalized as of the date of publication of the most recent Agenda.

The full text of the Proposed Amendment begins on the next page.

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 375

CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section	Purpose
375.10	Purpose
375.20	Definitions
375.30	Call Report Fees
375.31	Electronic Data Processing Fee
375.32	Assessment of 3, 4, or 5 Rated State Banks
375.33	Foreign Banking Office Minimum Quarterly Fee
375.34	Corporate Fiduciary Regulatory Fees
375.40	Calculation of Call Report and Electronic Date Processing Fees Fees for Resulting State Banks
375.41	Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries
375.50	Assessment of Accrued Fees Against a Converting or Merging State Bank
375.51	Assessment of Accrued Fees Against a Corporate Fiduciary
375.60	Credits and Additional Assessments Not Applicable to Resulting National Banks
375.70	Payment by Electronic Transfer or Automatic Debit

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective June 29, 1997; amended at 23 Ill. Reg. _____, effective _____.

Section 375.10 Purpose

This Part sets forth the manner in which the Office of Banks and Real Estate shall calculate, assess and collect Call Report Fees, and ~~and other periodic fees~~ Electronic Data Processing Fees, and Corporate Fiduciary Regulatory Fees payable by state banks and corporate fiduciaries pursuant to Section 48(3) of the Illinois Banking Act, Section 17 of the Foreign Bank Office Act, and Section 5-10 of the Corporate Fiduciary Act. Nothing in this Part is to be construed as limiting or being applicable to other fees that the Office of Banks and Real Estate may assess pursuant to ~~other provisions of~~ the Illinois Banking Act, Foreign Bank Office Act, Corporate Fiduciary Act, or pursuant to other State laws or rules.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE
NOTICE OF PROPOSED AMENDMENT

Section 375.20 Definitions

"Act" means the Illinois Banking Act [205 ILCS 5/].

"Call Report Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a) of the Act.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

"Corporate fiduciary" shall have the meaning ascribed to that term in Section 1-5.05 of the Corporate Fiduciary Act [205 ILCS 620/1-5.05].

"Corporate Fiduciary Regulatory Fee" means the fee to be paid to the Commissioner by each corporate fiduciary pursuant to Section 5-10(a) of the Corporate Fiduciary Act.

"Electronic Data Processing Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a-2) of the Act.

"State bank" means a banking corporation that has a banking charter issued by the Commissioner under the Act, and shall include a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act [205 ILCS 645].

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 375.30 Call Report Fees

Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of \$2,000 \$999, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Illinois Banking Act [205 ILCS 5/47] for the preceding quarter according to the following schedule: 16¢ per \$1,000 of the first \$5,000,000 of total assets; 15¢ per \$1,000 of the next \$20,000,000 of total assets; 13¢ per \$1,000 of the next \$75,000,000 of total assets; 9¢ per \$1,000 of the next \$400,000,000 of total assets; 7¢ per \$1,000 of the next \$500,000,000 of total assets; 5¢ per \$1,000 of the next \$19,000,000 of total assets; 2¢ per \$1,000 of the next \$30,000,000 of total assets; 1¢ per \$1,000 of the next \$50,000,000 of total assets; and .5¢ per \$1,000 of all assets in excess of \$100,000,000 of the state bank. The Call Report Fee shall be calculated by the Commissioner and billed to state the banks for

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.

~~Each state bank which receives electronic data processing ("EDP") services subject to the Commissioner's examination shall be assessed an EDP fee equal to 5.75% of the state bank's Call Report Fee. The EDP fee will be assessed and will be payable with the Call Report Fee.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 375.31 Electronic Data Processing Fee

Each state bank shall pay to the Commissioner an Electronic Data Processing ("EDP") Fee equal to 15% of the state bank's Call Report Fee. The EDP Fee shall be calculated by the Commissioner and billed to state banks for remittance with the Call Report Fee.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 375.32 Assessment of 3, 4, or 5 Rated State Banks

If a state bank has received a Uniform Financial Institution Rating System ("UFIRS") composite rating of 3, 4, or 5 on its last state or federal examination, the state bank's total quarterly fee shall be increased by 25% on the bank's subsequent quarter billing. This assessment shall stay in effect until the quarter following the state bank's receipt of a UFIRS composite rating of 1 or 2 at the next State or federal examination.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 375.33 Foreign Banking Office Minimum Quarterly Fee

The minimum quarterly fee for a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act [205 ILCS 645] shall be \$1,250.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 375.34 Corporate Fiduciary Regulatory Fees

Each corporate fiduciary shall pay to the Commissioner a Corporate Fiduciary Regulatory Fee that shall be paid in quarterly installments equal to one-fourth of the sum of an annual fixed fee plus a variable exam-day fee.

The annual fixed fee shall be \$200 for a trust department and for individuals or partnerships that possess a certificate of authority to accept and execute

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

trusts. The annual fixed fee for a trust company shall be \$500. The variable exam-day fee shall be calculated at the rate of \$350 for each one-half examiner-day of work expended by the Commissioner's examination personnel in performing the most recent statutorily required examination of the corporate fiduciary, subject to a minimum one-day charge.

The Corporate Fiduciary Regulatory Fee shall be calculated by the Commissioner and billed to the corporate fiduciaries on the last day of each calendar quarter, with payment due within 30 calendar days after the billing date.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 375.40 Calculation of Call Report and Electronic Data Processing Fees for Resulting State Banks

When a state bank results from a conversion by any financial institution other than a state bank and no statement of condition for such resulting state bank for the preceding quarter was submitted to the Commissioner pursuant to Section 47 of the Act, the Call Report Fee and EDP Fee shall be calculated for such resulting state bank in the same manner using the formula set forth in Section 375.30 and 375.31 of this Part based on the most recent periodic report of condition submitted by the converted financial institution to its primary regulator.

When a state bank results from a merger of one or more financial institutions into the resulting state bank, the Call Report Fee and EDP fee shall be calculated for such resulting state bank in the manner using the formula set forth in Section 375.30 and 375.31 of this Part based on the aggregate of the total assets reported in the most recent periodic reports of conditions submitted by the merged financial institutions to their primary regulators.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 375.41 Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries

When a corporate fiduciary results from a merger of one or more financial institutions into the resulting corporate fiduciary, the Corporate Fiduciary Regulatory Fee shall be calculated for the resulting corporate fiduciary in the manner set forth in Section 375.32 of this Part. If a statutorily required examination is not performed on the resulting corporate fiduciary prior to a quarter end, the variable exam-day fee will be based on the aggregate number of exam days expended by the Commissioner in performing the most recent statutorily required examination for each corporate fiduciary involved in the merger.

(Source: Added at 23 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENT

Section 375.50 Assessment of Accrued Fees Against a Converting or Merging State Bank

When a state bank converts to a national bank, merges into a resulting national bank, dissolves, surrenders its certificate of authority or in any other manner ceases to be a state bank, such state bank shall be liable on a pro rata basis to the Commissioner for any accumulated Call Report Fee Fees and EDP fee prior up to, and including, to the date that the state bank ceases to be a state bank.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 375.51 Assessment of Accrued Fees Against a Corporate Fiduciary

When a corporate fiduciary surrenders its certificate of authority, that corporate fiduciary shall be liable on a pro rata basis to the Commissioner for the accumulated Corporate Fiduciary Regulatory Fee up to, and including, the date of surrender.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 375.60 Credits and Additional Assessments Not Applicable to Resulting National Banks

A financial institution other than a state bank that results from a conversion by, or merger with, a state bank shall not be eligible for any credit and shall not be liable for any additional assessments described in Section 48(3)(d-1) of the Act [205 ILCS 5/48(3)(d-1)].

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 375.70 Payment by Electronic Transfer or Automatic Debit

Payment of all fees assessed by the Commissioner pursuant to Section 48(3) of the Act [205 ILCS 5/48(3)], Section 17 of the Foreign Bank Office Act [205 ILCS 645/17], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] shall be made by each state bank and corporate fiduciary to the Commissioner by means of electronic transfer of funds from, or automatic debit of, an account of the state bank or corporate fiduciary, unless the Commissioner authorizes a state bank or corporate fiduciary to submit payment by some other means.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Established Political Party and Independent Candidate Nominating Petitions

2) Code Citation: 26 Ill. Adm. Code 201

3) Section Number: Proposed Action:
201.60 New Section

4) Statutory Authority: Implementing Articles 7, 8 and 10 of the Election Code [10 ILCS 5/7, 8 and 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

5) A complete Description of the Subjects and Issues involved: New Section 201.60 adds a space to each line of a nominating or referendum petition on which the circulator or the signer may print the name of the signer. The purpose of the printed name is to provide access to registration records in cases where the signature is otherwise illegible. Not all illegible signatures are invalid; an illegible signature may be the form that a signer customarily uses. A printed name allows a person checking the petition to look up the registration record of the signer to compare the signature on the petition with that on the original registration record to determine if the signature is genuine, however illegible it may be. The printed name is not essential to the validity of the petition, but if an illegible signature is the occasion of an objection, if no printed signature is provided the State Board of Elections may sustain the challenge to that signature without further inquiry. One purpose of the rule is to reduce the number of objections to petitions solely based on the unreadability of a signature.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The rule proposed neither creates nor expands State mandates for units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The State Board of Elections will hold two public hearings on the proposed rulemaking, the first on October 18, 1999 at the Board's principal office, 1020 S. Spring Street, Springfield IL 62708, and the second on November 15, 1999 at the Board's permanent branch office in the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois 60601. Please contact Board staff for room location and time. Interested parties may also send written comments to:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

State Board of Elections
 A. L. Zimmer, General Counsel
 James R. Thompson Center
 100 West Randolph Street
 Suite 14-100
 Chicago IL 60601
 312/814-6477

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
 None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The State Board of Elections agreed to propose the amendment as part of the settlement of a civil matter, *Krislov v. Rednour*, et al., which was concluded in early September, 1999.

The full text of the proposed amendment begins on the following page.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 201

ESTABLISHED POLITICAL PARTY AND INDEPENDENT CANDIDATE
 NOMINATING PETITIONS

Section

201.10 Filing Times at the Office of the State Board of Elections
 Determination of Nominating Petition's Official Time of Filing

201.20 Filing Times for Objections and Withdrawals

201.30 Simultaneous Filings for the Same Office - Lottery

201.40 Determination of Number of Primary Electors in Computing Signature

201.50 Requirements (Emergency Expired)

201.60 Contents of Nominating Petitions

AUTHORITY: Implementing Articles 7, 8 and 10 of the Election Code [10 ILCS 5/Arts. 7, 8 and 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14140, effective December 4, 1981; codified at 6 Ill. Reg. 7213; emergency amendment at 8 Ill. Reg. 24311, effective November 29, 1984, for a maximum of 150 days; emergency expired April 28, 1985; amended at 23 Ill. Reg. _____, effective _____.

Section 201.60 Contents of Nominating Petitions

- a) In addition to those items required to be included in the nominating petition by statute, each nominating petition submitted to the State Board of Elections shall include the printed name of each signer.
- b) Each nominating petition submitted to the State Board of Elections shall provide a space immediately after the signature of each signer for the signer or the circulator to print the name of the signer.
- c) Failure to include a printed name next to the signature of a signer will not alone invalidate that signer's signature; however, if the signature of the signer is illegible and no printed name has been provided, the State Board of Elections may declare that signature invalid without further inquiry into its validity, irrespective of the grounds for objecting to the signature.

(Source: Added at 23 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: New Political Party Nominating Petitions

2) Code Citation: 26 Ill. Adm. Code 202

3) Section Number: 202.60
Proposed Action:
New Section

4) Statutory Authority: Implementing Articles 7, 8 and 10 of the Election Code [10 ILCS 5/Arts. 7, 8 and 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

5) A complete description of the Subjects and Issues Involved: New Section 202.60 adds a space to each line of a nominating or referendum petition on which the circulator or the signer may print the name of the signer. The purpose of the printed name is to provide access to registration records in cases where the signature is otherwise illegible. Not all illegible signatures are invalid; an illegible signature may be the form that a signer customarily uses. A printed name allows a person checking the petition to look up the registration record of the signer to compare the signature on the petition with that on the original registration record to determine if the signature is genuine, however illegible it may be. The printed name is not essential to the validity of the petition, but if an illegible signature is the occasion of an objection, if no printed signature is provided the State Board of Elections may sustain the challenge to that signature without further inquiry. One purpose of the rule is to reduce the number of objections to petitions solely based on the unreadability of a signature.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The rule proposed neither creates nor expands State mandates for units of local government

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The State Board of Elections will hold two public hearings on the proposed rulemaking, the first on October 18, 1999 at the Board's principal office, 1020 S. Spring Street, Springfield IL 62708, and the second on November 15, 1999 at the Board's permanent branch office in the James R. Thompson Center, 100 W. Randolph Street, Chicago, Illinois 60601. Please contact Board staff for room location and time. Interested parties may also send written comments to:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

State Board of Elections
A. L. Zimmer, General Counsel
James R. Thompson Center
100 West Randolph Street
Suite 14-100
Chicago IL 60601
312/814-6477

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None
B) Reporting, bookkeeping or other procedures required for compliance: None
C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The State Board of Elections agreed to propose the amendment as part of the settlement of a civil matter, *Krislov v. Rednour*, et al., which was concluded in early September, 1999.

The full text of the proposed amendment begins on the following page.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 202

NEW POLITICAL PARTY NOMINATING PETITIONS

Section

- 202.10 Filing Times at the Office of the State Board of Elections
 202.20 Determination of Nominating Petition's Official Time of Filing
 202.30 Filing Times for Objections and Withdrawals
 202.40 Simultaneous Filings for the Same Office - Lottery
 202.50 Nominating Petitions Filed with County Clerks
202.60 Contents of Nominating Petitions

AUTHORITY: Implementing Article 10 of the Election Code [10 ILCS 5/Art. 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14144, effective December 4, 1981; codified at 6 Ill. Reg. 7214; amended at 23 Ill. Reg. _____, effective _____.

Section 202.60 Contents of Nominating Petitions

- a) In addition to those items required to be included in the nominating petition by statute, each nominating petition submitted to the State Board of Elections shall include the printed name of each signer.
 b) Each nominating petition submitted to the State Board of Elections shall provide a space immediately after the signature of each signer for the signer or the circulator to print the name of the signer.
 c) Failure to include a printed name next to the signature of a signer will not alone invalidate that signer's signature; however, if the signature of the signer is illegible and no printed name has been provided, the State Board of Elections may declare that signature invalid without further inquiry into its validity, irrespective of the grounds for objecting to the signature.

(Source: Added at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled

- 2) Code Citation: 89 Ill. Adm. Code 113

- 3) Section Numbers: 113.113
Proposed Action: Amendment

- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and P. L. 104-132.

- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments establish that payments made under the Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund) are exempt from consideration as income for the Aid the Aged, Blind or Disabled program.

Companion amendments are being proposed to 89 Ill. Adm. Code 112 and 114.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
113.157	Amendment	23 Ill. Reg. 8575
113.260	Amendment	23 Ill. Reg. 8575

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 (217) 785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump - Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)
- 113.109 Earned Income (Repealed)
- 113.110 Budgeting Earned Income (Repealed)
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Exempt Unearned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance (Repealed)
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture (Repealed)
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.309 Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320 Redetermination of Eligibility
113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
113.400 Description of the Interim Assistance Program
113.405 Pending SSI Application (Repealed)
113.410 More Likely Than Not Eligible for SSI (Repealed)
113.415 Non-Financial Factors of Eligibility (Repealed)
113.420 Financial Factors of Eligibility (Repealed)
113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435 Medical Eligibility (Repealed)
113.440 Attorney's Fees for SSI Applicants (Repealed)
113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6,

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

113.116 Budgeting Earned Income For Contractual Employees
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

SUBPART E: OTHER PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15,

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.113 Exempt Unearned Income

- a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
 - 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 8-8-6- 2017(b));
 - 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
 - 3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 USC 8-8-6- 1780(b)), and the special food service program for children under the National School Lunch Act, as amended (42 USC 8-8-6- 1760);
 - 4) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

- 5) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 8-5-6- 4636);
- 6) Any funds distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540;
- 7) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (42 USC 8-5-6- 1601 et seq.);
- 8) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title VI of the Older Americans Act of 1965, as amended (42 USC 8-5-6- 3045 et seq.);
- 9) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (48 USC 8-5-6- 5044(q)). These include:
 - A) Vista Volunteers; and
 - B) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCOPE) or the Active Corps of Executives (ACE);
- 10) Income received under the provisions of Section 1 of the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act [320 ILCS 25/1]. This includes both the benefits commonly known as the "circuit breaker" and "additional grants";
- 11) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 USC 8-9-6- 1437(f));
- 12) Any payments distributed per capita or held in trust for members of Indian tribes under Sections 5 of P.L. 94-114 that became effective October 17, 1975;
- 13) SSI lump sum payments received by MANG participants who reside in the community (not residing in a long term care facility, DMHDD facility or other medical facility);
- 14) Any adoption subsidy received from DCFS;
- 15) Any foster care payment received from DCFS except independent living arrangement payments;
- 16) Title IV-E adoption assistance or foster care payment received from a state welfare agency of another state are exempt for MANG;
- 17) Any payment received from the Self Sufficiency Trust Fund established in accordance with Section 21.1 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/21.1];
- 18) Any payment received under Title I of P.L. 100-383, the Civil Liberties Act of 1988, which provides that restitution shall be made to United States citizens and permanent resident aliens of Japanese ancestry who were interned during World War II;
- 19) Any payment received under Title II of P.L. 100-383, the Aleutian

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

and Pribilof Islands Restitution Act, which provides that restitution shall be made to any Aleut living on the date of enactment of P.L. 100-383 (August 10, 1988) who, as a civilian, was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location during World War II; or who was born while his or her natural mother was subject to such relocation;

20) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;

21) Payments received under the Radiation Exposure Compensation Act; 22) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS);

23) Earnings, allowances, and payments received under Title I of the National and Community Service Act of 1990;

24) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;

25) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax;

26) German reparations payments made under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution (Germany Restitution Act) to survivors of the Holocaust; and 27) Payments of up to \$2000 per year derived from individual interests in Indian trust or restricted lands under P.L. 103-66; and 7

28) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).

b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility for assistance and amount of the assistance payment:

1) The value of home produce which is used for personal consumption; and

2) Social Security death benefit expended on a funeral and/or burial.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers:

121.19 Repealed
121.23 Amendment
121.25 Amendment
121.26 Amendment
121.27 Amendment
121.28 Amendment
121.29 Amendment
121.31 Amendment
121.73 Amendment
121.184 Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) A Complete Description of the Subjects and Issues involved: This rulemaking is required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which revised Section 815 of the Food Stamp Act. The purpose of the rulemaking is to promote work-directed activities or when an individual quits a job or reduces work hours to under 30 hours per week. This rulemaking also establishes that payments made under the Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund) are exempt from consideration as income for Food Stamps.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, IL 62762
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated when the Regulatory Agenda was developed.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121

FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification (Repealed)
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply with Work Provisions
121.26	Period of Sanction
121.27	Voluntary Job Quit or Reduction in Work Hours
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

DEPARTMENT OF HUMAN SERVICES

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121.53 Income From Rental Property
 121.54 Earned Income In-Kind
 121.55 Sponsors of Aliens
 121.57 Assets
 121.58 Exempt Assets
 121.59 Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section

121.60 Net Monthly Income Eligibility Standards
 121.61 Gross Monthly Income Eligibility Standards
 121.62 Income Which Must Be Annualized
 121.63 Deductions From Monthly Income
 121.64 Food Stamp Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70 Composition of the Assistance Unit
 121.71 Living Arrangement
 121.72 Nonhousehold Members
 121.73 Ineligible Household Members
 121.74 Strikers
 121.75 Students
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
 Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80 Fraud Disqualification (Renumbered)
 121.81 Initiation of Administrative Fraud Hearing (Repealed)
 121.82 Definition of Fraud (Renumbered)
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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 233, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

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18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9368, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

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15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.19 Ending a Voluntary Quit Disqualification (Repealed)

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- a) Following the end of the disqualification period, a household may begin participation if it applies again and is determined eligible.
- b) Eligibility may be re-established during the disqualification period if the member who caused the disqualification:
- 1) secures new employment comparable in salary or hours to the job which was quit (i.e., the new employment does not result in increased household need for food stamps); or
 - 2) leaves the household; or
 - 3) becomes exempt from work registration requirements (see Section 121.24) for reasons other than participation in Project Chance (see 89 Ill. Adm. Code 112.70-112.82) or receipt of unemployment insurance (UI); or
 - 4) a new and eligible person joins the household and that person meets the definition of primary wage earner (see Section 121.27);
- c) If the individual who caused the disqualification joins another household and is primary wage earner or is designated as head of that household, the new household is ineligible for the balance of the period of ineligibility.

(Source: Repealed at 23 Ill. Reg. _____, effective _____.)

Section 121.23 Work Registration/Participation Requirements

- a) All nonexempt adults who are eligible members of a food stamp household shall register for employment, participate in an employment and training program and accept suitable employment. Compliance with this requirement is a prerequisite to certification and program benefits shall not be granted conditionally prior to registration by nonexempt household members. However, under expedited services, the applicant must register but registration of other members may be postponed.
- b) All nonexempt individuals must register in the following circumstances:
- 1) prior to initial certification;
 - 2) for a new household member, prior to addition to the case;
 - 3) once every 12 months; and
 - 4) when as a result of a change which the household is required to report, a member loses exempt status. (See 89 Ill. Adm. Code 102.50(c).)
- c) Registration with the Food Stamp Employment and Training Program (FSE&T) for General Assistance (GA) purposes shall meet the food stamp work registration requirement for nonexempt City of Chicago GA/Food Stamp applicants and recipients.
- d) Participation in TANF work and training activities shall meet the food stamp work registration requirement. Registration with the Job Opportunities and Basic Skills Training Program (JOBS) for Aid-to-Families-With-Dependent-Children (AFDC) purposes shall meet the food

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stamp-work-registration-requirement:

- e) Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/Food Stamp recipients shall meet the food stamp work registration requirements.
- f) Each household member who is required to register for employment is also required to:

- 1) participate in an employment and training program, if assigned by #9BS-or Food Stamp Employment and Training Program (FSE&T), in accordance with #9-III-Adm-Code-112-78-and Section 121.162;
- 2) respond to requests for supplemental information regarding employment status or availability for work;
- 3) report to employers to whom referred;
- 4) accept a bona fide offer of suitable employment (see Section 121.28 112-37(b) for a definition of "suitable employment"); and
- 5) cooperate with comparable work requirements of #9BS-for-AP&C-and the-Food-Stamp-Employment-and-Training-Program (FSE&T). (See 89 Ill. Adm. Code 112-78-through-112-85--114-60--through-114-607 114-607-114-120-through-114-130-and 121.160 through 121.190.)

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 121.25 Failure to Comply with Work Provisions

- a) An individual who, without good cause, fails to comply with the work registration requirements (see Section 121.23), or who voluntarily quit a job or reduced work hours (see Section 121.27), or who failed to comply with the Food Stamp Employment and Training Program participation requirements (see Section 121.162), will be sanctioned from receiving food stamp benefits.
- b) An individual who fails to comply with the work provisions is an ineligible household member (see Section 121.31(h)).
- a) The local office will determine if an individual has refused or failed to comply, without good cause, with work registration requirements.
- b) #9BSG--will-determine--if--an--individual--has--failed--to--comply--with--program-requirements--(see-09-III-Adm-Code-112-78-and-112-79)---The Department--will--take--action--to--terminate--food--stamp--benefits--within--ten--calendar--days--after--such--determination--by--FSE&T--staff--if--it--is--determined--that--a--household--member--failed--to--comply--with--work--registration--requirements--without--good--cause:
- 1) the--person--is--an--ineligible--household--member--(see--Section--121-31(h))--if--there--is--another--parent--of--children--in--the--food--stamp--household--or--if--the--person--who--failed--to--comply--did--not--earn--the--most--money--in--the--two--months--prior--to--the--violation--or
 - 2) the--whole--household--is--ineligible--if--the--person--who--failed--to--comply--is--the--only--adult--or--is--the--person--who--earned--the--most--money--in--the--two--months--prior--to--the--violation--and--there--is--no--other--parent--of--children--in--the--food--stamp--household.

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- c) d) Good cause includes circumstances beyond the member's control such as, but not limited to, illness, illness of another household member requiring the presence of the member, lack of transportation, a household emergency or the lack of adequate child care for children ages six through 11, as defined in Section 121.75(a)(4).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 121.26 Period of Sanction

- a) If an individual fails to comply with work registration requirements (Section 121.23), or fails to comply with the FSE&T program requirements (Section 121.184), or voluntarily quits a job or reduces work hours (Section 121.27), sanctions shall be imposed as follows:
- 1) two months for the first violation;
 - 2) four months for the second violation; and
 - 3) six months for the third violation.
- b) The period of sanction may end early if:
- 1) the individual becomes exempt from the requirements; or
 - 2) the individual is no longer a household member. However, if the individual becomes part of another household, the remainder of the sanction period applies to the new household.
- c) Participation may be resumed following the end of the last fiscal month of the sanction period if:
- 1) an application is filed (if the case was canceled as a result of the sanction), or a request is made to add the individual to an active case (if the case remained eligible when the individual was sanctioned); and
 - 2) the individual complies with the program requirements for which the individual was sanctioned; and
 - 3) all other eligibility requirements are met.
- a) The period of sanction of an entire household for failure to comply with work registration requirements lasts until:
- 1) the member complies with the requirements;
 - 2) the member becomes exempt from the requirements;
 - 3) the individual is no longer a household member---if---the individual becomes part of another household; the new household is not eligible for the remainder of the sanction period; or the household has been sanctioned for two fiscal months beginning with the first month following the expiration of the adverse notice period;
- b) The sanction ends:
- 1) following the end of the second fiscal month of sanction: Participation may be resumed if:
 - A) an application is filed; and
 - B) all other eligibility requirements are met.
 - 2) during the sanction period when the registrant is otherwise

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d) If the household provides questionable information is provided (i.e. that-ts, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether a household member the-primary-wage-earner has voluntarily quit employment or voluntarily reduced work hours, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc., shall be provided.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 121.27 Voluntary Job Quit or Reduction in Work Hours

a) If, within 60 days before the date of initial application, a member of the food stamp household has, without good cause, voluntarily quit his or her job, or voluntarily reduced work hours to less than 30 hours per week, the individual is subject to a sanction (see Section 121.29 for exemptions).

b) If a member of a participating food stamp household, without good cause, has voluntarily quit his or her job or voluntarily reduced work hours to less than 30 hours per week, the individual is subject to a sanction (see Section 121.29 for exemptions).

a) If within 60 days before the date of initial application the primary wage-earner or the only adult member of the food stamp household has, without good cause, voluntarily quit his or her job, or the entire household is ineligible for food stamp benefits for three fiscal months (see 89 Ill. Adm. Code 101.20);

b) If the primary wage-earner or the only adult member of a participating food stamp household has, without good cause, voluntarily quit his or her job, or the entire household is ineligible for food stamp benefits for three fiscal months (see 89 Ill. Adm. Code 101.20);

c) Primary Wage-Earner: The household member who has been earning the most money to support the household in two months prior to the month of the quit. The primary wage-earner need not be the head of the household. The employment must involve 20 hours or more per week or provide gross weekly earnings equal to or greater than the Federal Minimum Wage multiplied by 20 hours. A child of any age living with a parent or a person fulfilling the role of a parent shall not be considered a primary wage-earner if the parent or household member acting as a parent is registered for work or exempt from work registration because the individual:

- 1) is subject to and participating in AFDC requirements;
- 2) receives or is expected to receive unemployment insurance benefits; or
- 3) is employed or self-employed and working a minimum of 30 hours per week or receives earnings equal to or greater than 30 times the Federal Minimum Wage.

c) d) A federal, State or local government employee who participates in a strike against such government and is dismissed from his or her job because of participation in the strike is considered to have voluntarily quit his or her job without good cause.

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d) If the household provides questionable information is provided (i.e. that-ts, inconsistent with information previously supplied by the household or other information available to the local office) regarding whether a household member the-primary-wage-earner has voluntarily quit employment or voluntarily reduced work hours, it shall provide verification from sources such as a previous employer, employee associations, and union representatives, etc., shall be provided.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 121.28 Good Cause for Voluntary Job Quit

a) Circumstances beyond the person's control, including but not limited to:

- 1) illness;
- 2) illness of another household member requiring the presence of the individual primary wage-earner;
- 3) a household emergency;
- 4) lack of transportation; or
- 5) lack of adequate child care for children age 6 through 11 as defined in Section 121.75(a)(3).

b) Resignation from a job which is considered "unsuitable" or becomes "unsuitable" after acceptance of the job. Employment is considered "unsuitable" if:

- 1) wages are below federal or State minimum wage;
 - 2) the person primary-wage-earner is required to join or refrain from joining a labor union;
 - 3) the work site is subject to a strike or lockout;
 - 4) the degree of risk to health or safety is unreasonable;
 - 5) the person primary wage-earner is physically or mentally unable to perform the employment;
 - 6) the distance from the member's home to the place of employment is unreasonable (daily commuting exceeds two hours a day).
- c) Discrimination by employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- d) Work demands or conditions that make it unreasonable to continue employment, including, but not limited to, a person working and not being paid on schedule.
- e) Acceptance of new employment, requiring that the person primary-wage earner leave the current job.
- f) Acceptance by any other household member of employment in a different county, requiring that the household move and that the person primary wage-earner leave the job.
- g) Educational enrollment by the primary wage-earner, at least half time, in any recognized school, training program or institution of higher education.

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- h) Educational enrollment of another a household member in a different another county, requiring that the household move and that the person primary-wage-earner leave the job. Enrollment must be at least half time in any recognized school, training program or institution of higher education.
- i) Resignation from employment by a person who is under 60 which the employer recognizes as retirement.
- j) Acceptance of bona fide offer of employment which, because of circumstances beyond the primary wage earner's control, does not materialize, turns out to be less than 20 hours a week, or pays less than the federal minimum wage times 20 hours per week.
- k) Leaving a job in connection with patterns of employment, e.g. migrant farm labor.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules Rates

- a) The hours of employment are reduced by the employer while working-for-the-same-employer;
- b) Termination of self-employment enterprise;
- c) Employer demands that person resign from job; and
- d) The person is persons-who-are exempt from the work registration requirements;-and
- e) When-a-food-stamp-household-member-quits-a-job-and-the-food-stamp household-also-contains-another-parent-and-their-child-

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.31 Exempt Unearned Income

The following unearned income is exempt:

- a) Vendor payments when these are made in behalf of a household by a nonhousehold member with nonhousehold funds, and paid directly to the household's creditors or person or organization providing the service to the household. (This includes rent and mortgage payments made to landlords or mortgagees by Housing and Urban Development (HUD).);
- b) Monies that are legally obligated and otherwise payable to the household such as, but not limited to, garnished wages, public assistance grants directed to a protective payee, GA disbursing orders and payments directed to a vendor, and support or alimony payments legally obligated to a household member, but which are diverted by the provider of the payment to a third party for a household expense, are

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counted as income and not excluded as a vendor payment. The following are considered vendor payments and not diverted income:

- 1) Rent paid directly to a landlord by a household's employer in addition to paying the household its regular wages;
- 2) Assistance payments that would not normally be provided in a money payment to the household, and that are over and above normal public assistance or general assistance grants, if they are made directly to a third party for a household expense;
- 3) Child support or alimony payments specified by a court order or other legally binding agreement to go directly to a third party rather than to a household;
- 4) Support payments not required by a court order or other legally binding agreement (such as, payments in excess of an amount specified in a court order or written agreement) which are paid to a third party rather than to the household;
- 5) Public Assistance or General Assistance payments to a third party in behalf of a household for medical, child care, or energy assistance (Public Assistance means AFDC and AABD);
- 6) From October 20, 1987, to September 30, 1989, the entire amount of Public Assistance or General Assistance payments to third parties in behalf of a household for temporary housing, even any portion of the payment which is part of the normal Public Assistance or General Assistance payment, provided the housing lacks facilities for preparation and cooking of hot meals or refrigerated food storage; and
- 7) Emergency Public Assistance (PA) or General Assistance (GA) payments made directly to a third party (that is, vendor payment) on behalf of a migrant or seasonal farmworker household while the household is in the job stream. This assistance includes, but is not limited to, emergency vendor payments for housing or transportation;
- c) Cash donations based on need received on or after February 1, 1988, from one or more private nonprofit charitable organizations, but not to exceed \$300-00 in a federal fiscal year quarter;
- d) Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, not in excess of \$30-00 per quarter;
- e) All loans other than educational loans on which repayment is deferred;
- f) Reimbursements for past or future expenses, to the extent they do not exceed actual expenses and do not represent a gain or benefit to the household. This does not include reimbursements for normal living expenses;
- g) Monies received and used for the care and maintenance of a third-party beneficiary who is not a household member. Foster care payments are considered income to the adult or child in foster care and not income to the household providing the foster care even if the payments are made to the provider household rather than to the adult or child or

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children in foster care. If the household chooses to include the adults and/or children in foster care as part of the household, the entire foster care payment is considered unearned income to the household;

- h) Income of nonhousehold members except ineligible household members who for---those---who have been sanctioned disqualified for fraud or intentional program violation, for failure to comply with work registration requirements due to a voluntary job quit or reduction in work hours, or failure to comply with the FSE&T program, for failure to meet the social security number requirements, because of ineligible alien status, or due to questionable citizenship status (see Section 121.73);

- i) Payments to volunteers under the Domestic Volunteer Service Act (42 USC 8-5-6- 4951-4993) (VISTA) are exempt only if the individual:

- 1) was receiving food stamps or public assistance at the time he or she joined VISTA; and/or
- 2) was receiving an exempted VISTA payment, or other subsistence payments under Title I of the Domestic Volunteer Services Act, prior to March 1, 1979, and the volunteer contract in effect March 1, 1979, has not expired;

- j) Income received from the disposition of funds to the Grand River Band of Ottawa Indians;

- k) Any income specifically excluded by any federal statute from income consideration for food stamp purposes;

- 1) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances through the Job Training Partnership Act (29 USC 8-5-6- 1501-1781);

- m) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921; and

- n) Income received from the Social Security Administration under the PASS program; and

- o) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART E: HOUSEHOLD CONCEPT

Section 121.73 Ineligible Household Members

The income and assets of ineligible household members, not eligible to participate in the Food Stamp program, are used in determining eligibility and level of benefits for the remaining eligible household members. The following are ineligible household members:

- a) Individuals disqualified for intentional violation of the program, and
- b) Individuals sanctioned due to failure to comply with the work

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provisions, and

c) Individuals excluded:

- 1) For refusal to meet the SSN requirements of Section 121.22; or
- 2) As an ineligible alien; or
- 3) For failure to comply with work registration requirements.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section 121.184 Sanctions

- a) An individual who fails to cooperate with the Food Stamp Employment and Training program, without good cause, and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp sanctions ~~disqualifications~~ for non-participation in Earnfare.

- 1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or sanctioned ~~disqualified~~ for food stamps. (See Section 121.26 for the period of the sanction for food stamps.) ~~for two months---the two-month ineligibility---and/or---food stamp disqualification---shall be ended early if the individual actually complies with---the appropriate requirement---or if the individual becomes exempt.~~

- 2) Transitional Assistance sanctions and/or food stamp sanctions ~~disqualifications~~ shall be imposed against those individuals who refuse or fail to participate, without good cause, in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)

- b) Non-cooperation with the Food Stamp Employment and Training program includes one instance of any of the following:

- 1) refusal/failure to respond to a job referral;
- 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(b)(4));
- 3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(c)(1));
- 4) reduction of suitable employment (for example, hours of employment) without good cause (see Section 121.162(c)(2)); or
- 5) use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was

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meeting, without good cause, or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the nonexempt registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

- f) A Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria). The notice of change form issued for a Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ shall include the following:

- 1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;
- 2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and
- 3) a statement about the length of the sanction period and the action that must be taken to restore benefits. ~~the following statement: "You will be sanctioned until (test day) of (sanction period) or until you comply with the appropriate program requirement or become exempt in order for a transitional Assistance and Food Stamp Assistance to be restored at the end of the financial sanction and/or food stamp disqualification period with no further gap in assistance; you must file an application for Transitional Assistance and/or Food Stamp Assistance between (date) and (date) if you apply later than (date); there may be a further gap in assistance."~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- c) A Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one occasion, unless otherwise indicated:

- 1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The client ~~Food--Stamp--Employment--and--Training--worker~~ will be included ~~include the individual in a scheduled group or other meeting or be re-scheduled re-schedule the individual for another meeting;~~
 - 2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling, without good cause, thereby precluding or interrupting participation or progress in the employability plan;
 - 3) An individual fails to cooperate in Job Search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30-day period shall result in a Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ (see Sections 121.162(b)(2));
 - 4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, shall result in a Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ (see Section 121.186);
 - 5) Failure of an individual to attend training, without good cause, as specified for the Training component shall result in a sanction; and
 - 6) Failure to report to the Illinois Works or JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a Transitional Assistance Sanction and/or food stamp sanction ~~disqualification~~.
- d) A Transitional Assistance sanction and/or food stamp sanction ~~disqualification~~ shall be imposed only on a nonexempt individual.
- e) No Transitional Assistance sanction or food stamp sanction ~~disqualification~~ will be imposed until ~~Food--Stamp--Employment--and--Training--staff--has--sent~~ the individual is sent a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the

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- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers: 114.210
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and P. L. 104-132.
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments establish that payments made under the Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund) are exempt from consideration as income for General Assistance.

Companion amendments are being proposed to 89 Ill. Adm. Code 112 and 113.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
114.408	Amendment	23 Ill. Reg. 8577

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

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TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114

GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
- 114.2 Determination of Not Employable
- 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
- 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
- 114.10 Citizenship
- 114.20 Residence
- 114.30 Age
- 114.40 Relationship
- 114.50 Living Arrangement
- 114.52 Social Security Numbers
- 114.60 Work Registration Requirements (Outside City of Chicago only)
- 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
- 114.62 Job Service Registration (Outside City of Chicago only)
- 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
- 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
- 114.70 Initial Employment Expenses (Outside City of Chicago only)
- 114.80 Downstate General Assistance Work and Training Programs
- 114.85 Downstate General Assistance - Food Stamps Employment and Training Pilot Project
- 114.90 Project Chance Participation/Cooperation Requirements (Renumbered)
- 114.100 General Assistance Jobs Program (Repealed)
- 114.101 Persons Ineligible for TANF Due to Time Limits

SUBPART C: PROJECT ADVANCE

Section

- 114.108 Project Advance (Repealed)
- 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
- 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)

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PROJECT ADVANCE SANCTIONS (Repealed)

- 114.111 Project Advance Sanctions (Repealed)
- 114.113 Project Advance Good Cause for Failure to Comply (Repealed)
- 114.115 Individuals Exempt From Project Advance (Repealed)
- 114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

- 114.120 Employment and Training Requirements
- 114.121 Persons Required to Participate in Project Chance (Repealed)
- 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
- 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
- 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
- 114.125 Employment and Training Program Orientation (Repealed)
- 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
- 114.127 Employment and Training Program Components (Repealed)
- 114.128 Employment and Training Sanctions (Repealed)
- 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
- 114.130 Employment and Training Supportive Services (Repealed)
- 114.135 Conciliation and Fair Hearings (Repealed)
- 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.200 Unearned Income
- 114.201 Budgeting Unearned Income
- 114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 114.203 Initial Receipt of Unearned Income
- 114.204 Termination of Unearned Income
- 114.210 Exempt Unearned Income
- 114.220 Education Benefits
- 114.221 Unearned Income In-Kind
- 114.222 Earmarked Income
- 114.223 Lump-Sum Payments
- 114.224 Protected Income
- 114.225 Earned Income
- 114.226 Budgeting Earned Income
- 114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 114.228 Initial Employment

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114.229 Termination of Employment
 114.230 Exempt Earned Income
 114.235 Recognized Employment Expenses
 114.240 Income From Work/Study/Training Program (Repealed)
 114.241 Earned Income From Self-Employment
 114.242 Earned Income From Roomer and Boarder
 114.243 Earned Income From Rental Property
 114.244 Earned Income In-Kind
 114.245 Payments from the Illinois Department of Children and Family Services
 114.246 Budgeting Earned Income For Contractual Employees
 114.247 Budgeting Earned Income For Non-contractual School Employees
 114.250 Assets
 114.251 Exempt Assets
 114.252 Asset Disregards
 114.260 Deferral of Consideration of Assets (Repealed)
 114.270 Property Transfers (Repealed)
 114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
 114.350 Payment Levels
 114.351 Payment Levels in Group I Counties
 114.352 Payment Levels in Group II Counties
 114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
 114.400 Persons Who May Be Included In the Assistance Unit
 114.401 Eligibility of Strikers
 114.402 Special Needs Authorizations (Repealed)
 114.403 Institutional Status
 114.404 Retrospective Budgeting
 114.405 Budgeting Schedule
 114.406 Limitation on Amount of General Assistance to Recipients from Other States
 114.408 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
 114.420 Redetermination of Eligibility
 114.430 Extension of Medical Assistance Due to Increased Income from Employment
 114.440 Attorney's Fees for VA Appellants
 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section

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114.450 Child Care (Repealed)
 114.452 Child Care Eligibility (Repealed)
 114.454 Qualified Provider (Repealed)
 114.456 Notification of Available Services (Repealed)
 114.458 Participant Rights and Responsibilities (Repealed)
 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 114.464 Rates of Payment for Child Care (Repealed)
 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section
 114.500 Transitional Child Care Eligibility (Repealed)
 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
 114.508 Qualified Provider (Repealed)
 114.510 Notification of Available Services (Repealed)
 114.512 Participant Rights and Responsibilities (Repealed)
 114.514 Child Care Overpayments and Recoveries (Repealed)
 114.516 Fees for Service for Transitional Child Care (Repealed)
 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

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5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg.

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10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective

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November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Adm. Code 1619, effective January 20, 1999; amendment at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amendment at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. _____, effective _____.

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.210 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);
- d) Any per capita judgment funds paid under P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 USC 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC 3030e);
- f) Any compensation provided to individual volunteers under the Retired

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Senior Volunteer Program (42 USC 5001) and the Foster Grandparent Program (42 USC 5011) and Older Americans Community Service Employment Program (42 USC 3056) established under Title II of the Domestic Volunteer Service Act (42 USC 5001 thru 5023), as amended;

g) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4(c)]. This includes both the benefits commonly known as the circuit breaker and "additional grants";

h) Payments Under Certain Federal Programs

- 1) Any payment to volunteers in programs under Title II of the 1973 Domestic Volunteer Services Act, as amended (42 USC 5044(g)). Examples of these programs include RSVP, Foster Grandparents and other programs.
- 2) Payments made under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are exempt only if the individual was receiving public assistance at the time he/she joined VISTA;
- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Job Training Partnership Act (29 USC 1501-1781);
- j) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 USC 1989b thru 1989b-8);
- k) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 1989c thru 1989c-8);
- l) Payments made by the Illinois Department of Human Services under the Family Assistance Law for Mentally Disabled Children under P.A. 86-921 [405 ILCS 80/art. III];
- m) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- n) Employment-related reimbursement for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client.
- o) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3) Section Numbers: Proposed Action:
676.30 Amend
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: This rulemaking amends the definition of "Home" to include shelters for the homeless. This will allow homeless persons with significant disabilities to be provided Home Services while housed in these shelters.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
676.30	Amend	23 Ill. Reg. 8742

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

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corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676
PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

676.10 Program Purpose and Types
676.20 General Program Accessibility
676.30 Definitions
676.40 Service Description

SUBPART B: CASE MANAGEMENT

Section

676.100 Case Files (Repealed)
676.110 Sharing of Customer Information Between HSP and Other DHS Programs
676.120 Documentation of Information
676.130 Customer Signatures and Information Required to Receive Services Under the HSP
676.140 Application by DHS-ORS Employees, Individuals Holding Contracts with DHS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees, or Close Friends of DHS-ORS Employees
676.150 Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section

676.200 Vendor Payment
676.210 Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DoA)

Section

676.300 Criteria for Referral to DoA
676.310 Disposition of Cases not Appropriate for Referral to DoA

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; amended at 20 Ill. Reg. 6315, effective April 18, 1996; amended at 21 Ill. Reg. 2678, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 19563, effective October 23, 1998; amended at 23 Ill. Reg. 6445,

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effective May 17, 1999; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 676.30 Definitions

For the purposes of this Subchapter, unless otherwise stated, the following terms shall have the following meanings.

a) Activities of Daily Living (ADLs) - those tasks an individual must do, or which an individual must have provided for him/her, in order to prevent institutionalization (i.e., bathing, dressing, shopping, cooking, housekeeping, etc.).

b) Customer - anyone who:

- 1) has been referred to HSP for a determination of eligibility for services;
- 2) has applied for services through HSP;
- 3) is receiving services through HSP; or
- 4) has received services through HSP.

If the customer is unable to satisfy any of his/her obligations under the HSP, including, without limitation, the obligation to serve as the employer of the PA, the customer's parent, family member, guardian, or duly authorized representative may act on behalf of the customer and is included within the definition of "customer", as used throughout this Part.

For purposes of the PA services performed pursuant to the HSP, the customer shall serve as the employer of the PA. In this capacity, the customer is responsible for controlling all aspects of the employment relationship between the customer and the PA, including, without limitation, locating and hiring the PA, training the PA, directing, evaluating and otherwise supervising the work performed by the PA, imposing (where, in the opinion of the customer, it is appropriate or necessary) disciplinary action against the PA, and terminating the employment relationship between the customer and the PA.

c) Counselor - the DHS-ORS staff person or contractual Case Manager who helps to ensure that the funds available under the HSP are properly distributed in accordance with the Service Plan, any applicable waiver programs, and all applicable laws.

d) Determination of Need (DON) - the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment and need for care. This form measures the level of risk of institutionalization for the individual.

e) DHS - Illinois Department of Human Services.

f) DPA - Illinois Department of Public Aid.

g) Family - any one related by blood, marriage, or adoption to the individual seeking services through HSP or anyone with whom the individual has a close inter-personal relationship and who resides

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with the individual.

- h) Family Unit - for the purposes of determining financial eligibility, the number of persons derived when counting the individual seeking services through HSP and the number of persons in the household who are legally responsible for the individual seeking services and for whom the individual seeking services is legally responsible.
- i) HCFA - the federal Health Care Financing Administration.
- j) Home Services Program (HSP) - a State and federally funded program designed to allow Illinois residents, who are at risk of unnecessary or premature institutionalization, to receive necessary care and services in their homes, as opposed to being placed in an institution.
- k) Home - a private residence where the customer lives which is not an intermediate care or skilled nursing facility as defined at 77 Ill. Adm. Code 300, or a residential program operated by, or for which funding is provided by, the Illinois Department of Human Services, Office of Mental Health and Office of Developmental Disabilities as defined at 59 Ill. Adm. Code 120. For the purpose of this Subchapter, the term "home" shall include domestic violence shelters as defined in Section 1(c) of the Domestic Violence Shelter Act [20 ILCS 2210/1(c)] and publicly or privately administered shelters designed to provide temporary living accommodations for persons who are homeless.
- l) Intermediate Care Facility (ICF) - a nursing facility that provides regular health related care to its residents, as well as those services necessary for safe and adequate living.
- m) Legally Responsible Family Member - a spouse, parent of a child who is 20 years of age or under, or a legal guardian of an individual who is under age 18.
- n) Medicaid - the Medicaid program administered by DPA under the Public Aid Code [305 ILCS 5/11].
- o) Medicaid Waiver - the waiver allowing HSP to claim federal reimbursement for approved levels of in-home care for individuals who would otherwise be placed in institutions for such care. The Medicaid Waiver is overseen at the federal level by HCFA.
- p) Personal Assistant (PA) - an individual employed by the customer to provide through HSP varied services that have been approved by the customer's physician.
- q) Personal Assistant Backup plan - the plan developed by the customer and designed to ensure that the customer receives the necessary care and services under the HSP in the event that his/her regular PA is unavailable or unwilling to perform his/her obligations under the HSP. The customer is responsible for designating the backup personal assistant.
- r) Physician - a licensed doctor of medicine (M.D.) or doctor of Osteopathy (D.O.) licensed pursuant to the Medical Practice Act [225 ILCS 60].
- s) Prescreening - an assessment to determine an individual's need for institutional care at the ICF or SNF level care, to ensure Medicaid payment for such a placement is appropriate, and the assessment as to

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whether or not HSP services are an appropriate alternative to institutional care for the individual.

- t) Service Cost Maximum (SCM) - the maximum monthly amount which may be expended for HSP services for an eligible individual. This amount is determined based on the individual's DON score and the specific programmatic component of HSP through which the individual is being served.
- u) Service Plan - specifically, the Home Services Program Service Plan (IL 488-1049), Home Services Program Service Plan Addendum (IL 488-1050) or the Interim Agreement (IL 488-2344) forms, on which all services to be provided to an individual through HSP are listed.
- v) Services - the necessary tasks provided to an individual, in one or more of the areas listed in Section 676.40 and listed on the individual's Service Plan, through HSP with the intent of preventing the unnecessary institutionalization of the individual.
- w) Skilled Nursing Facility (SNF) - a facility that provides regular and on-going nursing level care to its residents due to the residents' medical conditions, as well as those services necessary for safe and adequate living.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: 112.110
Proposed Action:
Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and P. L. 104-132.

5) A Complete Description of the Subjects and Issues involved: These proposed amendments establish that payments made under the Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund) are exempt from consideration as income for Temporary Assistance for Needy Families.

Companion amendments are being proposed to 89 Ill. Adm. Code 113 and 114.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.78	Amendment	23 Ill. Reg. 5637
112.82	Amendment	23 Ill. Reg. 9989
112.101	Amendment	23 Ill. Reg. 8579
112.130	Amendment	23 Ill. Reg. 8579
112.307	Amendment	23 Ill. Reg. 8579
112.308	Amendment	23 Ill. Reg. 8579

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

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100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
 112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
 112.9 Client Cooperation
 112.10 Citizenship
 112.20 Residence
 112.30 Age
 112.40 Relationship
 112.50 Living Arrangement
 112.52 Social Security Numbers
 112.54 Assignment of Medical Support Rights
 112.60 Basis of Eligibility
 112.61 Death of a Parent (Repealed)
 112.62 Incapacity of a Parent (Repealed)
 112.63 Continued Absence of a Parent (Repealed)
 112.64 Unemployment of the Parent (Repealed)
 112.65 Responsibility and Services Plan
 112.66 Alcohol and Substance Abuse Treatment
 112.67 Restriction in Payment to Households Headed by a Minor Parent
 112.68 School Attendance Initiative
 112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

112.70 Employment and Work Activity Requirements
 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
 112.72 Participation/Cooperation Requirements
 112.73 Adolescent Parent Program (Repealed)
 112.74 Responsibility and Services Plan
 112.75 Teen Parent Personal Responsibility Plan (Repealed)
 112.76 TANF Orientation
 112.77 Reconciliation and Fair Hearings

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TANF Employment and Work Activities

112.78 Sanctions
 112.79 Good Cause for Failure to Comply with TANF Participation Requirements
 112.80 Responsible Relative Eligibility for JOBS (Repealed)
 112.81 Supportive Services
 112.82 Teen Parent Services
 112.83 Work Experience Evaluation Project (Repealed)
 112.84 Four Year College/Vocational Training Demonstration Project
 112.85 (Repealed)

SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance (Repealed)
 112.87 Project Advance Experimental and Control Groups (Repealed)
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.90 Project Advance Sanctions (Repealed)
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
 112.93 Individuals Exempt From Project Advance (Repealed)
 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.105 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earmarked Income
 112.127 Lump-Sum Payments
 112.128 Protected Income (Repealed)
 112.130 Earned Income
 112.131 Earned Income Tax Credit

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112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Employed Applicants
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income from Work-Study and Training Programs
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels
 112.252 Payment Levels in Group I Counties
 112.253 Payment Levels in Group II Counties
 112.254 Payment Levels in Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Reporting Requirements for Clients with Earnings
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96
 112.308 Responsibility of Sponsors of Non-Citizens Entering the County on or

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After 8/22/96
 112.309 Institutional Status
 112.310 Child Care for Representative Payees
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
 112.350 Child Care (Repealed)
 112.352 Child Care Eligibility (Repealed)
 112.354 Qualified Provider (Repealed)
 112.356 Notification of Available Services (Repealed)
 112.358 Participant Rights and Responsibilities (Repealed)
 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 112.364 Rates of Payment for Child Care (Repealed)
 112.366 Method of Providing Child Care (Repealed)
 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility (Repealed)
 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2

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Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7259, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28,

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1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a

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maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18

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111. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10208, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amended at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2555, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. _____, effective _____.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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Section 112.110 Exempt Unearned Income

a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:

- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USC 2017(b));
- 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4636);
- 4) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;
- 5) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 USC 3045 et seq.);
- 6) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) Program (known as Americorps VISTA). Payments made under Americorps State/National programs, funded under the National and Community Service Act of 1993, are not exempt. Stipends or living allowance payments made under this program are considered nonexempt earned income. These payments are subject to the general rules concerning the budgeting of earned income;
- 7) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;
- 9) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act;
- 10) Social Security death benefit expended on a funeral and/or burial;
- 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 USC 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 USC 1760);
- 12) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USC 1626);
- 13) Payments received under Title I of P.L. 100-383 of the Civil

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- Liberties Act of 1988 (50 USC 1989b through 1989b-8);
- 14) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 USC 1989c through 1989c-8);
 - 15) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
 - 16) Payments received under the federal Radiation Exposure Compensation Act (42 USC 2210 nt);
 - 17) Federal subsidized housing payments under Section 8 of the Housing and Community Development Act (42 USC 1437f);
 - 18) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG. Independent Living Arrangement Payments are not exempt for MAG and MANG;
 - 19) Supportive Service payments (Section 112.82);
 - 20) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;
 - 21) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
 - 22) Any payment provided by the Department of Human Services under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921;
 - 23) GA Emergency Financial Assistance issued through vendor payment. These payments can only be issued once in a twelve-month period to persons who do not currently receive TANF cash assistance;
 - 24) A nonrecurring lump-sum SSI or SSA payment made to an individual in a TANF assistance unit. The nonrecurring SSA lump sum is exempt if it is based on disability. The monthly amount, up to the monthly SSI level for one, is exempt. For those individuals not in a TANF assistance unit whose income is used to determine TANF eligibility for others (for example, stepparents, parents), the lump-sum payment is nonexempt income for the month received;
 - 25) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286;
 - 26) Payments to a member of the Passamunquoddy Indian Tribe, the Penobscot Nation of the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980;
 - 27) Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66; and
 - 28) Payments based on disability status are disregarded in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability

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benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans' Affairs (100% disability only) and Black Lung; and-

- 29) Payments made under the federal Crime Act of 1984 (as amended by P.L. 104-132, Section 234, Crime Victims Fund).

b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:

- 1) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a)(1) through (a)(28) described in other provisions of the Section) of up to \$50 per person per quarter;

2) The value of home produce which is used for personal consumption;

3) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected in a month;

4) Two dollars of every \$3 of excess child support distributed by the child support agency to a family with earnings budgeted. This includes the wage supplementation programs of On-the-Job Training, Job Corps, Americorps VISTA, and work study;

5) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money released for a specific purpose other than the income maintenance needs of the child;

6) Earmarked child support payments received by the client for the support of a child not included in the assistance unit;

7) Cash which is exchanged for purposes of satisfying payment of shelter-related obligations in situations where the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment; and

8) Employment-related reimbursements for past or future expenses to the extent that they do not exceed actual expenses incurred and do not represent a gain or benefit to the client.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Managed Care Reform & Patient Rights

2) Code Citation: 50 Ill. Adm. Code 5420

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
5420.10	New Section
5420.20	New Section
5420.30	New Section
5420.40	New Section
5420.50	New Section
5420.60	New Section
5420.70	New Section
5420.80	New Section
5420.90	New Section
5420.100	New Section
5420.110	New Section
5420.120	New Section
EXHIBIT A	New Section
EXHIBIT B	New Section
EXHIBIT C	New Section

- 4) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] (P.A. 91-617, effective January 1, 2000, except Sections 200 and 299 of the Act which took effect on August 19, 1999; and Sections 25 and 85 of the Act which take effect on July 1, 2000), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) A Complete Description of the Subjects and Issues Involved: This Part will implement Public Act 91-617, the Managed Care Reform and Patient Rights Act in order to assure the proper provision of information to enrollees by health care plans; the proper treatment of enrollees by health care plans; the proper treatment of health care providers by health care plans; and the proper oversight of health care plans by the Department of Insurance.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rule contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout
Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois
62767-0001
217/782-2867

Denise Hamilton
Rules Unit Supervisor
Department of Insurance
320 West Washington
Springfield, Illinois
62767-0001
(217) 785-8560

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Health care providers will be affected by this new rule.

B) Reporting, bookkeeping or other procedures required for compliance: There are specific record keeping requirements for complaints. Please see Section 5420.90.

C) Types of professional skills necessary for compliance: Please review the rule text.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department was uncertain whether SB 251 would be signed by the Governor.

The full text of this Proposed Rule is identical to the Emergency Rule being published in this issue of the Illinois Register on page **12468**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Illinois Conservation Corps Summer Youth Employment Grants-in-Aid Program

2) Code Citation: 17 Ill. Adm. Code 180

<u>Section Numbers:</u>	<u>Proposed Action:</u>
180.10	Repeal
180.20	Repeal
180.30	Repeal
180.40	Repeal
180.50	Repeal
180.60	Repeal
180.70	Repeal
180.80	Repeal
EXHIBIT A	Repeal
EXHIBIT B	Repeal

- 4) Statutory Authority: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835/4] and by the Civil Administrative Code of Illinois [20 ILCS 840/63a37].

5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because the Illinois Conservation Corps program was disbanded in the late 1980s and is no longer in existence or funded.

6) Will this rulemaking replace any emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REPEALER

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REPEALER

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 180

ILLINOIS CONSERVATION CORPS SUMMER YOUTH EMPLOYMENT
GRANTS-IN-AID PROGRAM (REPEALED)

Section	Definitions
180.10	Eligibility
180.20	General Procedures for Grant Awards
180.30	Selection Criteria
180.40	Key Provisions
180.50	Compliance Requirements
180.60	Sanctions
180.70	Program Information
180.80	EXHIBIT A Illinois Conservation Corps Summer Youth Employment Grant Program Proposal Outline
EXHIBIT B	Illinois Conservation Corps Summer Youth Employment Grant Program Work Project Description Form

AUTHORITY: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835] and by Section 63a37 of the Civil Administrative Code of Illinois [20 ILCS 840/63a37].

SOURCE: Adopted at 10 Ill. Reg. 4214, effective February 26, 1986; recodified by changing the name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; repealed at 23 Ill. Reg. _____, effective _____.

Section 180.10 Definitions

- a) "Department" means the Illinois Department of Natural Resources.
- b) "Equipment" means visible, tangible personal property of a non-consumable nature having a unit value exceeding \$100.00.
- c) "Local unit of government" means a city, county, village, township, municipality, or any other general purpose political subdivision of the state.

Section 180.20 Eligibility

Only local units of government in Illinois may apply for grants under this program.

Section 180.30 General Procedures for Grant Awards

- a) Units of local government seeking Grants-in-Aid assistance must file a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REPEALER

Grant Proposal and Work Project Description Forms with the Gifts and Grants Management Section, Department of Natural Resources, 405 East Washington Street, Springfield, IL 62706. The Grant Proposal Outline and Work Project Description Forms (see Exhibit A and Exhibit B) may be obtained from the Department's Gifts and Grants Management Section, 405 East Washington Street, Springfield, IL 62706.

- b) Failure to submit a correct and complete grant proposal by January 2 of each year will result in project rejection.
- c) Review and Award: The Director and the staff of the Department will evaluate each proposal to determine if it qualifies for grant assistance in accordance with Section 21a of P.A. 84-98, effective July 23, 1985. Each qualifying project proposal will be evaluated to determine the priority of the proposal project in relation to the criteria in Section 180.40. Proposals are evaluated in relation to all other projects.
- d) Local units of government will be notified in writing within 120 days whether or not their project has received state approval and the amount of Grants-in-Aid assistance approved.
- e) The Department shall make available to the public, upon request, a list of the applicants selected and the amounts awarded.

Section 180.40 Selection Criteria

The criteria for awarding grants listed in priority order are:

- a) Projects which are labor intensive. A labor intensive project is one that is completed manually vs. mechanically and for which the majority of budgeted funds are used to employ youth to perform the manual labor.
- b) Projects which result in tangible long-term end products. Tangible long-term end products are products such as park shelters, playground equipment and tree plantings.
- c) Projects which have low administrative and equipment rental costs. To determine whether administrative and equipment rental costs are low, these costs will be compared to the overall costs of the project.
- d) Projects which are performed in highly visible areas of the community. Highly visible areas of a community are those public park lands and boulevards in a community which can be visually seen by the public vs. those which are either geographically removed or screened from public view.
- e) Projects which improve wildlife habitat. A project can be shown to improve wildlife habitat by conducting a wildlife study prior to and after the project so the population numbers can be compared.
- f) Projects which are removed from public exposure such as project sites which are not physically and geographically accessible, useable or visually appreciable by the general public.
- g) Projects which include repetitive functions and have short term public benefit such as litter pickup and cutting grass.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REPEALER

Section 180.50 Key Provisions

- a) Grant-in-Aid assistance on any project cannot exceed 70 percentum of the total eligible project costs.
- b) To be eligible for matching assistance, project costs must have been incurred within the approved grant period. The Department does not reimburse obligations regardless of when they are assumed; it reimburses eligible costs incurred during the approved grant period. Costs incurred, or contributions of services made, or assets acquired prior to or subsequent to the grant period authorized by the Department are not allowable.
- c) Projects must be completed and reimbursement requested within the time limits authorized in the Project Agreement between the Department and the project sponsor. Failure to have project completed and reimbursement requested within the time limits authorized in the Project Agreement will result in a loss of funds.
- d) Equipment purchases are not permitted.
- e) Approved grant recipients must agree that selection of youth and crew leaders must be without regard to race, creed, color, sex, national origin, or handicap.

Section 180.60 Compliance Requirements

- a) ICC Summer Youth Employment Grant assisted projects must be administered in accordance with the following:
 - 1) Illinois Human Rights Act (Ill. Rev. Stat. 1983, ch. 68, pars. 1-101 et seq.)
 - 2) Illinois Child Labor Law (Ill. Rev. Stat. 1983, ch. 48, pars. 31.1 through 31.22) and the Child Labor Requirements under the Fair Labor Standards Act (29 U.S.C. 201 et seq.).
 - 3) Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1983, ch. 127, pars. 2301 et seq.).
- b) Each project sponsor is given one copy of the publications noted above by the Gifts and Grants Management Section of the Department.

Section 180.70 Sanctions

State sanctions for non-compliance are delineated in the Illinois Grant Funds Recovery Act.

Section 180.80 Program Information

Information on the Illinois Conservation Corps Summer Youth Employment Grants-in-Aid Program may be obtained by writing: Gifts and Grants Management Section, Department of Natural Resources, 405 East Washington Street, Springfield, IL 62706.

DEPARTMENT OF NATURAL RESOURCES

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Section 180.EXHIBIT B Illinois Conservation Corps Summer Youth Employment Grant Program Work Project Description Form

AGENCY: _____

PROJECT SITE(S) AND ESTIMATED DATES OF WORK AT EACH SITE:

I. Applicant Name:

Organizational Unit: _____

Address (Include County): _____

Contact Person/Telephone Number: _____

U.S. Congressional Dist.: _____ State Senate Dist.: _____ State Rep. _____

Dist.: _____

Number of Supervisory Personnel: _____

Number of unemployed to be hired: _____

II. Program Narrative:

The program narrative statement should be brief and describe the need, objectives, method of accomplishment, the geographical location of the project(s) and the benefits expected to be obtained from the assistance.

III. A. Project Budget:

Supervisory Personnel	\$ _____
Supervisory Fringe Benefits	\$ _____
Hourly Personnel (min.	\$ _____
\$3.35/hr)	\$ _____
Hourly Fringe Benefits	\$ _____
Supplies and Materials	\$ _____
Contractual	\$ _____
Audit (max. 4.5% or \$1,000)	\$ _____
(whichever is smaller)	\$ _____
Other (Specify other Costs)	\$ _____
Total Project Cost	\$ _____
	X
Grant Request	\$ _____

B. Amount and Source of 30% non-state share

IV. Work Project Description Forms

V. Attachment - Optional (Maps, Photos, Charts)

VI. Send all proposals to:

Illinois Department of Natural Resources
Bureau of Public Lands
524 S. Second Street
Springfield, IL 62706

Attention: Illinois Conservation Corps

Summer Youth Employment Grant Program

DESCRIPTION OF WORK PROJECT:

(include pertinent measurements/quantities and costs, i.e., length of trail work, size and number of trees, number of picnic tables, etc.)

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ESTIMATED YOUTH-HOURS NEEDED FOR THIS PROJECT: _____
(base estimation on total work hours - # of youth workers x # of hours/day x #
of days worked)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code citation: 35 Ill. Adm. Code 720

3) Section Numbers: _____
720.111

Proposed Action:
Amended

4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.

5) A complete description of the subjects and issues involved:

A more detailed description is contained in the Board's opinion and order of September 23, 1999, proposing amendments in docket R00-5 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-5 Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999 through June 30, 1999.

The R00-5 docket amends rules in Parts 720, 722, 724, and 725. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 3381
(January 21, 1999)

USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments.

64 Fed Reg. 6806
(February 11, 1999)

USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste.

64 Fed. Reg. 25407
(May 11, 1999)

USEPA adopted corrections and clarifications to several of its Phase IV land disposal restriction (LDR) rulemaking actions: its May

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

12, 1997 (62 Fed. Reg. 25998) and May 26, 1998 (63 Fed. Reg. 28556) Phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332) administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbamate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners.

The Board has already taken complete action on one set of these federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the federal action of February 11, 1999, in the prior consolidated R99-15 RCRA Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-15, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975 (February 2, 1999)
USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act.

64 Fed. Reg. 26315 (May 14, 1999)
USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

64 Fed. Reg. 30417 (June 8, 1999)
USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the following USEPA amendments:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

64 Fed. Reg. 3391 (January 21, 1999)
Subpart CC clarifying and corrective amendments.

64 Fed. Reg. 4975 (February 2, 1999)
Whole effluent toxicity testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 25407 (May 11, 1999)
Phase IV LDR corrections and clarifications. (Amendments to Part 722 to complete the necessary amendments.)

64 Fed. Reg. 26315 (May 14, 1999)
Oil and grease testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 30417 (June 8, 1999)
Mercury in water testing amendments. (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 720 implement segments of the federal amendments of February 2, May 14, and June 8, 1999 to 40 C.F.R. 136, incorporated by reference in 35 Ill. Adm. Code 722.111.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments update the version of the federal Clean Water Act analytical procedures of 40 C.F.R. 136 incorporated by reference at 35 Ill. Adm. Code 720.111 for the purposes of the RCRA Subtitle C hazardous waste regulations. USEPA amended 40 C.F.R. 136 on February 2, May 14, and June 8, 1999. The present amendments add references to those federal amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected. This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Most of the amendments constitute corrections and clarifications of existing provisions. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope, and Applicability
720.101	Availability of Information; Confidentiality of Information
720.102	Use of Number and Gender
720.103	

SUBPART B: DEFINITIONS

Section	Definitions
720.110	References
720.111	

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	Rulemaking
720.120	Alternative Equivalent Testing Methods
720.121	Waste Delisting
720.122	Petitions for Regulation as Universal Waste
720.123	Procedures for Solid Waste Determinations
720.130	Solid Waste Determinations
720.131	Boiler Determinations
720.132	Procedures for Determinations
720.133	Additional regulation of certain hazardous waste Recycling Activities
720.140	on a case-by-case Basis
720.141	Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 23 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 720.111 References

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 737, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

POLLUTION CONTROL BOARD

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"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

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ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

MICE. Methods Information Communication Exchange Service, 703-821-4690:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846, Update IIIA (April 1998).

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800 202-703-3930:

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Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP/02/85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 703-487-4600:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987 (Document number PB 88-170766).

"Guideline on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Method 164, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry". Document number PB99-121949.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983 (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations",

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December, 1990 (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual, Second Edition", EPA/530-R-93-007, March, 1993 (Document Number PB 93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and IIC (December, 1996), and IIIA (April, 1998) (Document Number 955-001-00000-1).

OECD. Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO[2] Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. DOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Tally ~~Waitey~~ Record (DD Form 1907), as in effect on November 8, 1995.

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Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-1EHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401,

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202-783-3238:

- 10 CFR 20, Appendix B (1998)
40 CFR 51.100(ii) (1998)
40 CFR 51, Appendix W (1998)
40 CFR 52.741, Appendix B (1998)
40 CFR 60 (1998)
40 CFR 61, Subpart V (1998)
40 CFR 63 (1998)
40 CFR 136 (1998), as corrected at 63 Fed. Reg. 38756 (July 20, 1998) and 63 Fed. Reg. 44146 (Aug. 18, 1998) and amended at 63 Fed. Reg. 50387 (Sep. 21, 1998), 64 Fed. Reg. 4975 (Feb. 2, 1999), 64 Fed. Reg. 26315 (May 14, 1999), and 64 Fed. Reg. 30417 (June 8, 1999)
40 CFR 142 (1998)
40 CFR 220 (1998)
40 CFR 232.2 (1998)
40 CFR 260.20 (1998)
40 CFR 264 (1998)
40 CFR 268.41 (1990)
40 CFR 268.Appendix IX (1998)
40 CFR 270.5 (1998)
40 CFR 302.4, 302.5, and 302.6 (1998)
40 CFR 761 (1998)
49 CFR 171 (1998)
49 CFR 173 (1998)
49 CFR 178 (1998)

POLLUTION CONTROL BOARD

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c) Federal Statutes

- Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.
Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.
Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).
d) This Section incorporates no later editions or amendments.
(Source: Amended at 23 Ill. Reg. _____, effective _____)

POLLUTION Control BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Interim Status Standards For Owners And Operators OF Hazardous Waste Treatment, Storage, And Disposal Facilities

- 2) Code citation: 35 Ill. Adm. Code 725

- | <u>Section Numbers</u> | <u>Proposed Action:</u> |
|------------------------|-------------------------|
| 725.980 | Amended |
| 725.984 | Amended |
| 725.985 | Amended |
| 725.987 | Amended |

- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 23, 1999, proposing amendments in docket R00-5 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-5
Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999 through June 30, 1999.

The R00-5 docket amends rules in Parts 720,722, 724, and 725. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 3381
(January 21, 1999)

USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste.

POLLUTION Control BOARD

NOTICE OF PROPOSED AMENDMENTS

64 Fed. Reg. 25407
(May 11, 1999)

USEPA adopted corrections and clarifications to several of its Phase IV land disposal restriction (LDR) rulemaking actions: its May 12, 1997 (62 Fed. Reg. 25958) and May 26, 1998 (63 Fed. Reg. 28556) phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332) administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbamate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners.

The Board has already taken complete action on one set of these federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the federal action of February 11, 1999, in the prior consolidated R99-15 RCRA Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-115, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975
(February 2, 1999)

USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act.

64 Fed. Reg. 26315
(May 14, 1999)

USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

64 Fed. Reg. 30417
(June 8, 1999)

USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the following USEPA amendments:

POLLUTION Control BOARD

NOTICE OF PROPOSED AMENDMENTS

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Most of the amendments constitute corrections and clarifications of existing provisions. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

13) Regulatory Agenda in which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

POLLUTION Control BOARD

NOTICE OF PROPOSED AMENDMENTS

64 Fed. Reg. 3381 (January 21, 1999) Subpart CC clarifying and corrective amendments.

64 Fed. Reg. 4975 (February 2, 1999) Whole effluent toxicity testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 25407 (May 11, 1999) Phase IV LDR corrections and clarifications. (Amendments to Part 722 to complete the necessary amendments.)

64 Fed. Reg. 26315 (May 14, 1999) Oil and grease testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 30417 (June 8, 1999) Mercury in water testing amendments. (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 725 implement segments of the federal January 21, 1999 Subpart CC amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 725 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-5 and be addressed to:

POLLUTION Control BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Imminent Hazard Action

Section
725.101
725.104

SUBPART B: GENERAL FACILITY STANDARDS

Applicability
USEPA Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive, or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

Section
725.110
725.111
725.112
725.113
725.114
725.115
725.116
725.117
725.118
725.119

SUBPART C: PREPAREDNESS AND PREVENTION

Applicability
Maintenance and Operation of Facility
Required Equipment
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APPENDIX F	Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1987; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078,

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effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 23 Ill. Reg. _____, effective _____.

NOTE: In this part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

- a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to Subpart I, J, or K of this Part except as Section 725.101 and subsection (b) of this Section provide otherwise.
- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit generated as a the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act.

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- 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(i), except as provided in Section 725.983(c)(5).
- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.
- c) For the owner and operator of a facility subject to this Subpart that has received a final RCRA permit prior to December 6, 1996, the following requirements apply:
- 1) The requirements of 35 Ill. Adm. Code 724.Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
 - 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.
 - d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:
 - 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
 - 2) The owner or operator prepares documentation, in accordance with Section 725.990(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this

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- Section.
- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 725.984 Waste Determination Procedures

- a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
 - 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.
 - A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.
 - B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).
- 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3) of this Section, or by knowledge of the waste, as specified in subsection (a)(4) of this Section.
- 3) Direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.
 - A) Identification. The owner or operator shall identify and record the point of waste origination for the hazardous

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waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Sufficient information, as specified in the "site

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sampling plan" required under subsection (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix) of this Section, including the appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as $1.8 \times 10^{(-6)}$ atmospheres/gram-mole/m(3)) at 25°C (77°F). Each of the analytical methods listed in subsections (a)(3)(C)(ii) through (a)(3)(C)(vii) of this Section has an associated list of approved chemical compounds for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1675 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (a)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data concentration-of-each-individual-chemical-constituent measured in--the--waste by a method other than Method 25D may-be-corrected to the corresponding average VO concentration value that it would have been obtained had, had the waste samples it been analyzed measured using Method 25D. To adjust these data, by--multiplying the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f[m25D])7---as specified--in--subsection-(a)(4)(c)-of-this-Section. If the

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owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (a)(3)(F) of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for USEPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill.

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Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations.

- i) The average VO concentration (C) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q[T]} \sum_{i=1}^n X \quad \text{SUM } (Q[i] \times \text{CM}(i))$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.

i = Individual waste determination "i" of the hazardous waste.

n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year).

Q[i] = Mass quantity of the hazardous waste stream represented by C[i], in kg/hr.

Q[T] = Total mass quantity of the hazardous waste during the averaging period, in kg/hr.

C[i] = Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii) of this Section), in ppmw.

- ii) For the purpose of determining C[i], for individual waste samples analyzed in accordance with subsection (a)(3)(C) of this Section, the owner or operator shall account for VO concentrations determined to be below

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the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G) of this Section.

- E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C) of this Section, the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

- F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section are as follows:

- i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

- ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1) and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- G) VO concentrations below the limit of detection must be considered to be as follows:

- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Method 25D in 40 CFR 60, appendix A.

- ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase ($0.1 Y/X$) (which can also be expressed as $1.8 \times 10^{(-6)}$ atmosphere/gram-mole/m(3)) at 25° C.

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste

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origination.

- A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

- B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

- C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f(m25D)).

- D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3) of this Section, must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C) of this Section.

- b) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste

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determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.986, as applicable to the waste management unit.

A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983(c)(2), (c)(3), or (c)(4) are not achieved.

2) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9) of this Section.

3) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a

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one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii) of this Section, must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(ix) of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section

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725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must ~~shall~~ be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as $1.8 \times 10^{(-6)}$ atmospheres/gram-mole/m(3)] at 25 degrees Celsius. Each of the analytical methods listed in subsections (b)(3)(C)(ii) through (b)(3)(C)(vii) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (b)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the owner or operator may adjust test data ~~concentration--of--each individual-chemical-constituent measured in-the-waste~~ by a method other than Method 25D ~~may--be--corrected~~ to the corresponding average VO concentration value that it would have ~~had~~ been obtained, had it the waste samples been analyzed ~~measured~~ using Method 25D. To adjust these data, by multiplying the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f(m25D)). ~~as specified-in-subsection-(a)(4)(c)-of--this--Section~~ If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25° C contained in the waste. Constituent-specific adjustment factors (f(m25D)) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

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- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
 - iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - vi) Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.
 - vii) Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.
 - viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) of this Section.
 - ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.
- D) Calculations. The average VO concentration (\bar{C}) on a mass-weighted basis must be calculated by using the results

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for all samples analyzed in accordance with subsection (b)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q(T)} \times \sum_{i=1}^n Q(i) \times C(i)$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw.

i = Individual determination "i" of the hazardous waste.

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed 1 year).

$Q(i)$ = Mass quantity of the hazardous waste stream represented by $C(i)$, in kg/hr.

$Q(T)$ = Total mass quantity of hazardous waste during the averaging period, in kg/hr.

$C(i)$ = Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii) of this Section), in ppmw.

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C) of this Section, compliance must ~~shall~~ be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

4) Procedure to determine the exit concentration limit ($C(t)$) for a treated hazardous waste.

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the exit concentration limit ($C(t)$) must be 500 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the average VO concentration of each hazardous waste stream at the point of

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waste origination must be determined in accordance with the requirements of subsection (a) of this Section. The exit concentration limit ($C(t)$) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C(t) = \frac{\sum_{x=1}^m Q(x) \times \bar{C}(x) + \sum_{y=1}^n Q(y) \times 500 \text{ ppmw}}{\sum_{x=1}^m Q(x) + \sum_{y=1}^n Q(y)}$$

Where:

$C(t)$ = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

$Q(x)$ = Annual mass quantity of hazardous waste stream "x", in kg/yr.

$Q(y)$ = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$\bar{C}(x)$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

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- 5) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.
- A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.
- B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.
- C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B) of this Section, using the following procedures:
- The mass quantity of each hazardous waste stream entering the process (Q[b]) and the mass quantity of each hazardous waste stream exiting the process (Q[a]) must be determined.
 - The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C[b]) during the run must be determined in accordance with the requirements of subsections (a)(3) of this Section. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C[a]) during the run must be determined in accordance with the requirements of subsection (b)(3) of this Section.
- D) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be calculated by using the results determined in accordance with subsection (b)(5)(C) of this Section and the following equations:

$$E[b] = \frac{1}{10(6)} \sum_{j=1}^m Q[bj] \times C[bj]$$

$$E[a] = \frac{1}{10(6)} \sum_{j=1}^m Q[aj] \times C[aj]$$

Where:

E[a] = Waste volatile organic mass flow exiting the process, in kg/hr.

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E[b] = Waste volatile organic mass flow entering the process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q[bj] = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

Q[aj] = Average mass quantity of waste exiting the process during run "j", in kg/hr.

C[aj] = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection (b)(3) of this Section, in ppmw.

C[bj] = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection 725.984 (a)(3) of this Section, in ppmw.

- E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) of this Section and the following equation:

$$R = \frac{E[b] - E[a]}{E[b]} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent.

E[b] = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

- 6) Procedure to determine the organic biodegradation efficiency

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(R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) The organic biodegradation efficiency (R[bio]) must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where:

R[bio] = Organic biodegradation efficiency, in percent.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A) of this Section.

7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section.

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^n [V[y] \times k[y] \times \frac{(C[y] - 500\text{ppmw})}{10(6)}]$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

y = Individual hazardous waste stream "y" that has an

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average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

n = Total number of "y" hazardous waste streams treated by process.

V[y] = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

k[y] = Density of hazardous waste stream "y", in kg/m(3)

C[y] = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.

C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) of this Section and the following equation:

$$MR = E[b] - E[a]$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section,

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in kg/hr.

- 9) Procedure to determine the actual organic mass biodegradation rate (MR[bio]) for a treated hazardous waste.

- A) The actual organic mass biodegradation rate (MR[bio]) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste organic mass flow entering the process (E[b]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.
- C) The fraction of organic biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR Part 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.
- D) The actual organic mass biodegradation rate (MR[bio]) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C) of this Section and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

MR[bio] = Actual organic mass biodegradation rate, in kg/hr.

E[b] = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C) of this Section.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).
- 2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) of this Section, or knowledge of the waste, as specified by subsection (c)(4) of this Section, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

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- 3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.

- A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

- i) Method 25E in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Methods obtained from standard reference texts:
 - iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or
 - v) Any other method approved by the Agency.
- 4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.
- d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart:

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- 1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.
- 2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.
- 3) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.
- 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 5) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppmv hydrocarbon in air), and
 - B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
- 6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
- 8) The arithmetic difference between the maximum organic

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concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9) of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

- 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 725.985 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.
- u) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:
 - 1) For a tank that manages hazardous waste which meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.
 - A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:
 - i) For a tank design capacity equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psia or 39 mm Hg);
 - ii) For a tank design capacity equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.0 psia or 207 mm Hg); or
 - iii) For a tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), the maximum organic vapor

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pressure limit for the tank is 76.6 kPa (11.1 psia or 574 mm Hg).

- B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

- C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.981.

- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A) of this Section.

- c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

- 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

- B) The fixed roof must be installed in such a manner such that there are no visible cracks, holes, gaps, or other open

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spaces between roof section joints or between the interface of the roof edge and the tank wall.

- C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof must be either:

- i) The opening or manifold system is equipped with a closure device designed to operate so such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

- ii) The opening or manifold system is connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E).

- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:

- i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

- ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for the removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii)

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(c)(2)(E)(ii) are derived from 40 CFR 265.985(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

- 1) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
- ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually

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inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (1) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;

3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

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- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or
- ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.
- C) The internal floating roof must meet the following specifications:
- Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - Each automatic bleeder vent and rim space vent must be gasketed.
 - Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
 - Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include,

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- but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.
- B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
- Visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.
 - When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as

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possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

1) The owner or operator shall design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm(2)) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters (24 inches) above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must

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not exceed 21.2 cm(2) per meter (1.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch).

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

viii) Each slotted guide pole must be equipped with a gasketed float or other device that which closes off the liquid surface from the atmosphere.

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when

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the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

- F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
 - iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.
 - iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(4)(D) of this Section.
 - v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator must repair the defect in accordance with the requirements of subsection (k) of this Section.
 - vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
 - B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
 - i) The floating roof and its closure devices must be

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visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.
 - iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
 - iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
 - ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii) of this Section.
 - iii) When a visual inspection is not planned and the owner

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or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(A)(iv) of this Section:

- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
 - ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (1/4-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
 - iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.
 - iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.
- BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.
- 4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).
 - g) The owner or operator that controls air pollutant emissions from a

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tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
- B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate so such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
- C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.
- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.
- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:
 - A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
 - i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port

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to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of a tank.
- B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.

- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements.

- 1) The tank must ~~shall~~ be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

- 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 725.984(d).

- 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere except under either of the following two conditions:

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in-the-event-that-a-safety-device,-as-defined-in-Section-725.981,-is-required-to-open-to-avoid-an-unsafe-condition:

A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in Section 725.981, is required to avoid an unsafe condition.

B) The tank does not need to be operated as a closed-vent system at those times when the purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 724.987.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.

4) The owner or operator shall inspect and monitor the closed-vent system and control device, as specified in Section 725.988.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this

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provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.
- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2).
- C) The hazardous waste meets the requirements of Section 725.983(c)(4).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must ~~shall~~ be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.
- 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

1) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

- 1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
 - B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

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- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 725.987 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for such air emission control.

b) General requirements.

- 1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

A) For a container having a design capacity greater than 0.1m(3) (26 gal) and less than or equal to 0.46m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

- 2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

- 1) A container using Container Level 1 controls is one of the

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following:

- A) A container that meets the applicable U.S.--Department--of transportation--(USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
- B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).
- C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.
- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.
- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:
- A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:
- In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

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- In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.
- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:
- For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).
 - In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.
- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.
- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container

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internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722. Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous

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waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable USDOT regulations as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable ~~U-S--Department--of transportation--~~ USDOT regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this

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subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- 3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the

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closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the

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container is not emptied within 24 hours after the container arrives at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device

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in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which

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the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable ~~U-S-7 Department--of--Transportation--{ USDOT }~~ regulations on packaging hazardous materials for transportation as follows:

- 1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.
- 3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.
- 4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.
- g) To determine compliance with the no detectable organic emissions requirements of subsection (d)(1)(B) of this Section, the procedure specified in Section 725.984(d) must be used.
 - 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.
 - 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.
- h) The procedure ~~Procedure~~ for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section is as follows:
 - 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
 - 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3) Section Number:
611.101 Proposed Action:
Amended

4) Statutory authority: 415 ILCS 5/7.2, 17, 17.5, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 23, 1999, proposing amendments in docket R00-8 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

In the present action, the Board is addressing a discrepancy found between federal rules and the amendments adopted in *In the Matter of: SDWA Update*, USEPA Regulations (January 1, 1998 through June 30, 1998) (February 4, 1999), R99-6. The Illinois Environmental Protection Agency (IEPA) brought the discrepancy to the Board's attention. The IEPA has requested that the Board take action as soon as possible, in order to facilitate state primacy review of the amended text by USEPA.

USEPA amended the 40 C.F.R. 141.2 definition of "public water system" on April 28, 1998, at 63 Fed. Reg. 23362, 23366 (April 28, 1999). USEPA changed a segment of the definition that formerly read "a system for the provision of piped water to the public for human consumption . . ." to read "a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances . . ." The definition of "public water system" at 35 Ill. Adm. Code 611.101 is the Illinois counterpart to the amended federal definition. This State definition is intended to be identical in substance to the corresponding federal definition.

In *In the Matter of: SDWA Update*, USEPA Regulations (January 1, 1998 through June 30, 1998) (February 4, 1999), R99-6, the Board sought to incorporate the federal amendments of April 28, 1998, using the identical in substance procedure of Sections 7.2 and 17.5 of the Act. The Board added the language relating to "other constructed conveyances," dropping the past effective date, August 5, 1998. In incorporating the federal text into the Illinois rules, however, we neglected to remove the word "piped" and add the words "through pipes" in the appropriate place.

In response to the IEPA request, and to enhance the clarity of the regulatory text, the Board proposes amending the definition of "public water system." The language the Board proposes using the "through pipes"

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language of the corresponding federal definition. The Board also proposes responding to a second IEPA request with a second clarifying amendment to this definition; we propose adding to the Board note appended to the definition of "public water system" a statement that this term is synonymous to "public water supply," which is also used in the regulations.

Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 611 and Section 611.101 include incorporations by reference, the present amendments do not add new incorporations or amend existing ones.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may own or operate a public water supply. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-8 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

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A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply. In making a minor correction and a clarification of the definition of "public water supply," the Board does not believe that the present amendments will have a substantive effect on any small business, small municipality, or not-for-profit corporation.

B) Reporting, bookkeeping, or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records. In making a minor correction and a clarification of the definition of "public water supply," the Board does not believe that the present amendments will impact the procedures required for compliance.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. In making a minor correction and a clarification of the definition of "public water supply," the Board does not believe that the present amendments will affect the professional skill necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent agendas because: The Board is undertaking the present amendments to correct the definition of "public water supply" as soon as possible, without waiting to first publish an item on it in a Semiannual Regulatory Agenda in the *Illinois Register*. The present amendments, however correct a discrepancy that arose in the prior rulemaking for which a Notice of Adopted Amendments appeared March 5, 1999, at 23 Ill. Reg. 2756, and for which an item appeared in the July 1998 semiannual Regulatory Agenda. See July 10, 1998, 23 Ill. Reg. 12326, 12356.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611

PRIMARY DRINKING WATER STANDARDS

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AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSS"), including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSSs"). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"AI" means "inactivation ratio".

"Approved source of bottled water", for the purposes of Section 611.130(e)(4), means a source of water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source, that has been inspected and the water sampled, analyzed, and found to be a safe and sanitary quality

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according to applicable laws and regulations of State and local government agencies having jurisdiction, as evidenced by the presence in the plant of current certificates or notations of approval from each government agency or agencies having jurisdiction over the source, the water it bottles, and the distribution of the water in commerce.

BOARD NOTE: Derived from 40 CFR 142.62(g)(2) and 21 CFR 129.3(a) (1998). The Board cannot compile an exhaustive listing of all federal, state, and local laws to which bottled water and bottling water may be subjected. However, the statutes and regulations of which the Board is aware are the following: the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], the Bottled Water Act [815 ILCS 310], the DPH Water Well Construction Code (77 Ill. Adm. Code 920), the DPH Water Well Pump Installation Code (77 Ill. Adm. Code 925), the federal bottled water quality standards (21 CFR 103.35), the federal drinking water processing and bottling standards (21 CFR 129), the federal Good Manufacturing Practices for human foods (21 CFR 110), the federal Fair Packaging and Labeling Act (15 USC 1451 et seq.), and the federal Fair Packaging and Labeling regulations (21 CFR 201).

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F of this Part.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CT[calc]" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectant at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT[99.9].")

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"CT[99.9]" is the CT value required for 99.9 percent (3-log) inactivation of *Giardia lamblia* cysts. CT[99.9] for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611.101 Appendix B. (See "Inactivation Ratio".)

BOARD NOTE: Derived from the definition of CT in 40 CFR 141.2 (1998).

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"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Community Water System" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWSs) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002, and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Comprehensive performance evaluation" or "CPE" is a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation, and maintenance practices. It is conducted to identify factors that may be adversely impacting a plant's capability to achieve compliance and emphasizes approaches that can be implemented without significant capital improvements.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

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"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at the point where RDC is measured.

Where more than one RDC is measured, T is:

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured, and

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

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T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Disinfection Byproduct" or "DBP" means a chemical byproduct that forms when disinfectants used for microbial control react with naturally occurring compounds already present in source water. DBPs include, but are not limited to, bromodichloromethane, bromoform, chloroform, dichloroacetic acid, bromate, chlorite, dibromochloromethane, and certain haloacetic acids.

"Disinfection profile" is a summary of daily Giardia lamblia inactivation through the treatment plant. The procedure for developing a disinfection profile is contained in Section 611.742.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Enhanced coagulation" means the addition of sufficient coagulant for improved removal of disinfection byproduct (DBP) precursors by conventional filtration treatment.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Enhanced softening" means the improved removal of disinfection byproduct (DBP) precursors by precipitative softening.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry

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point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

"Filter profile" is a graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Filtration" means a process for removing particulate matter from water by passage through porous media.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"GAC10" means granular activated carbon (GAC) filter beds with a empty-bed contact time of 10 minutes based on average daily flow and a carbon reactivation frequency of every 180 days.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"GC" means "gas chromatography" or "gas-liquid phase chromatography".

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia or (for Subpart B systems serving at least 10,000 persons only) Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. "Groundwater under the direct influence of surface water" is as determined in Section 611.212.

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BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"GWS" means "groundwater system", a public water supply (PWS) that uses only groundwater sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (1998).

"Haloacetic acids (five)" or "HAA5" means the sum of the concentrations in milligrams per liter (mg/L) of five haloacetic acid compounds (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, monobromoacetic acid, and dibromoacetic acid), rounded to two significant figures after addition.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

$$Ai = CT[calc]/CT[99.9]$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = \text{SUM}(Ai)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

BOARD NOTE: Derived from the definition of "Ct" in 40 CFR 141.2 (1998).

"Initial compliance period" means the three-year compliance period that begins January 1, 1993, except for the MCLs for dichloromethane, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, benzo[a]pyrene, dalapon, di(2-ethylhexyl)adipate, di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, hexachlorobenzene, hexachlorocyclopentadiene, oxamyl, picloram, simazine, 2,3,7,8-TCDD, antimony, beryllium, cyanide, nickel, and thallium as they apply to suppliers whose supplies have fewer than 150 service connections, for which it means the three-year compliance period that begins on January 1, 1996.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

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"Inorganic contaminants" or "IOCs" refers to that group of contaminants designated as such in United States Environmental Protection Agency (USEPA) regulatory discussions and guidance documents. IOCs include antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, mercury, nickel, nitrate, nitrite, selenium, and thallium.

BOARD NOTE: The IOCs are derived from 40 CFR 141.23(a)(4) (1998).

"L" means "liter".

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. (See Section 611.121.)

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum contaminant level goal" ("MCLG") means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on health of persons would occur, and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). The Board has not routinely adopted the regulations relating to the federal MCLGs because they are outside the scope of the Board's identical-in-substance mandate under Section 17.5 of the Act.

"Maximum residual disinfectant level" or "MRDL" means the maximum permissible level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects. MRDLs are enforceable in the same manner as are MCLs. (See Section 611.313 and Section 611.383.)

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum residual disinfectant level goals" or "MRDLG" means the maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the

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addition of the chemical for control of waterborne microbial contaminants.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Maximum Total Trihalomethane Potential" or "MTP" means the maximum concentration of total trihalomethanes (THMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"MFL" means millions of fibers per liter larger than 10 micrometers.

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (1998).

"mg" means milligrams (1/1000 of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998).

"MUG" means 4-methyl-umbelliferyl-beta-d-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"nm" means nanometer (1/1,000,000,000 of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS). A non-community water system is either a "transient non-community water system (TWS)" or a "non-transient non-community water system (NTNCWS)."

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over 6 months per year.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"NPDWR" means "national primary drinking water regulation".

"NTU" means "nephelometric turbidity units".

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"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional state requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O of this Part, differs from this definition in that the definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Paired sample" means two samples of water for Total Organic Carbon (TOC). One sample is of raw water taken prior to any treatment. The other sample is taken after the point of combined filter effluent and is representative of the treated water. These samples are taken at the same time. (See Section 611.382.)

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"person" means an individual, corporation, company, association, partnership, State, unit of local government, municipality or federal agency.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

"Phase V" refers to that group of chemical contaminants promulgated by USEPA on July 17, 1992, at 57 Fed. Reg. 31776.

"picocurie" or "pCi" means the quantity of radioactive material

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producing 2.22 nuclear transformations per minute.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Public Health" means the Illinois Department of Public Health.

BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). Where used in Subpart F, "public water supply" means the same as "public water system."

"Radioactive contaminants" refers to that group of contaminants designated "radioactive contaminants" in USEPA regulatory discussions and guidance documents. "Radioactive contaminants" include tritium,

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strontium-89, strontium-90, iodine-131, cesium-134, gross beta emitters, and other nuclides.

BOARD NOTE: Derived from 40 CFR 141.25(c) Table B (1998). These radioactive contaminants must be reported in Consumer Confidence Reports under Subpart U when they are detected above the levels indicated in Section 611.720(c)(3).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency shall base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (1998).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Repeat compliance period" means a compliance period that begins after the initial compliance period.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Safe Drinking Water Act" or "SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 USC 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such

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source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SEP" means special exception permit (Section 611.110).

"Service connection," as used in the definition of public water system, does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if any of the following is true:

The water is used exclusively for purposes other than residential use (consisting of drinking, bathing, and cooking, or other similar uses);

The Agency determines by issuing a SEP that alternative water for residential use or similar uses for drinking and cooking is provided to achieve the equivalent level of public health protection provided by the applicable national primary drinking regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). See sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs", or "synthetic organic chemicals" or "synthetic organic contaminants", in USEPA regulatory discussions and guidance documents. "SOCs" include alachlor, aldicarb, aldicarb sulfone, aldicarb sulfoxide, atrazine, benzo[a]pyrene, carbofuran, chlordane, dalaapon, dibromoethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), di(2-ethylhexyl)adipate,

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di(2-ethylhexyl)phthalate, dinoseb, diquat, endothall, endrin, glyphosate, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorocyclopentadiene, lindane, methoxychlor, oxamyl, pentachlorophenol, picloram, simazine, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D,2,3,7,8-TCDD, and 2,4,5-TP.

"Source" means a well, reservoir, or other source of raw water.

"Special irrigation district" means an irrigation district in existence prior to May 18, 1994 that provides primarily agricultural service through a piped water system with only incidental residential use or similar use, where the system or the residential users or similar users of the system comply with either of the following exclusion conditions:

The Agency determines by issuing a SEP that alternative water is provided for residential use or similar uses for drinking or cooking to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulations; or

The Agency determines by issuing a SEP that the water provided for residential use or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

BOARD NOTE: Derived from 40 CFR 141.2 (1998) and sections 1401(4)(B)(i)(II) and (4)(B)(i)(III) of SDWA (42 USC 300f(4)(B)(i)(II) and (4)(B)(i)(III) (1996)).

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Subpart B system" means a public water system that uses surface water or groundwater under the direct influence of surface water as a source and that is subject to the requirements of Subpart B and the analytical and monitoring requirements of Sections 611.531, 611.532, 611.533, 611.534, and 611.535 of this Part.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian".

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Surface water" means all water that is open to the atmosphere and

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subject to surface runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SUVA" means specific ultraviolet absorption at 254 nanometers (nm), which is an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV[254](in m(-l))) by its concentration of dissolved organic carbon (in mg/L).

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"SWS" means "surface water system", a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water".

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (1998).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Total Organic Carbon" ("TOC") means total organic carbon (in mg/L) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two significant figures.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.

BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (1998). (See the definition of THMs for a listing of the four compounds that USEPA considers TTHMs to comprise.)

"Transient, non-community water system" or "transient non-CWS" means a non-CWS that does not regularly serve at least 25 of the same persons over six months of the year.

BOARD NOTE: Derived from 40 CFR 141.2 (1998). The federal regulations apply to all "public water systems", which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. (See 42 USC 300f(4).) The Act mandates that the Board and the Agency regulate "public water supplies", which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. (See

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Section 3.28 of the Act [415 ILCS 5/3.28].) The Department of Public Health regulates transient non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a "point of use" or "point of entry treatment device" as defined in this Section. "Treatment" includes, but is not limited to, aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THM are:

Trichloromethane (coliform),
Dibromochloromethane,
Bromodichloromethane, and
Tribromomethane (bromoform)

BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (1998).

"ug" means micrograms (1/1,000,000 of a gram).

"USEPA" or "U.S. EPA" means the U.S. Environmental Protection Agency.

"Uncovered finished water storage facility" is a tank, reservoir, or other facility that is open to the atmosphere and that is used to store water that will undergo no further treatment except residual disinfection.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs", or "volatile organic chemicals" or "volatile organic contaminants", in USEPA regulatory discussions and guidance documents. "VOCs" include benzene, dichloromethane, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.

BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Waterborne disease outbreak" means the significant occurrence of

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acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.
BOARD NOTE: Derived from 40 CFR 141.2 (1998).

"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by USEPA under section 1428 of the SDWA.

BOARD NOTE: Derived from 40 CFR 141.71(b) (1998). The wellhead protection program includes the "groundwater protection needs assessment" under Section 17.1 of the Act, and 35 Ill. Adm. Code 615 et seq.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 722
- 3) Section Numbers: 722.134
Proposed Action: Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 23, 1999, proposing amendments in docket R00-5 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-5 Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999 through June 30, 1999.

The R00-5 docket amends rules in Parts 720, 722, 724, and 725. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 3381
(January 21, 1999)

USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments. 64 Fed. Reg. 6806 (February 11, 1999) USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste.

64 Fed. Reg. 25407
(May 11, 1999)

USEPA adopted corrections and clarifications to several of its Phase IV land disposal restriction (ILDR) rulemaking actions: its May 12, 1997 (62 Fed. Reg. 25998) and May 26, 1998 (63 Fed. Reg. 28556) Phase IV rules; its

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August 31, 1998 (63 Fed. Reg. 46332) administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbanate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners.

The Board has already taken complete action on one set of these federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the federal action of February 11, 1999, in the prior consolidated R99-15 RCRA Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-15, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975
(February 2, 1999)

USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act.

64 Fed. Reg. 26315
(May 14, 1999)

USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

64 Fed. Reg. 30417
(June 8, 1999)

USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the following USEPA amendments:

64 Fed. Reg. 3381
(January 21, 1999)

Subpart CC clarifying and corrective amendments.

64 Fed. Reg. 4975
(February 2, 1999)

Whole effluent toxicity testing amendments. (Amendments to 40 C.F.R. 136.)

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64 Fed. Reg. 25407
(May 11, 1999)

Phase IV LDR corrections and clarifications. (Amendments to Part 722 to complete the necessary amendments.)

64 Fed. Reg. 26315
(May 14, 1999)

Oil and grease testing amendments. (Amendments to 40 C.F.R. 136.)

64 Fed. Reg. 30417
(June 8, 1999)

Mercury in water testing amendments. (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 722 implement segments of the federal January 21, 1999 Subpart CC amendments and the May 11, 1999 Phase IV LDR amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 722 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

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Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Most of the amendments constitute corrections and clarifications of existing provisions. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
722.110	Hazardous Waste Determination
722.111	USEPA Identification Numbers
722.112	

SUBPART B: THE MANIFEST

Section	General Requirements
722.120	Acquisition of Manifests
722.121	Number of Copies
722.122	Use of the Manifest
722.123	

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section	Packaging
722.130	Labeling
722.131	Marking
722.132	Placarding
722.133	Accumulation Time
722.134	

SUBPART D: RECORDKEEPING AND REPORTING

Section	Recordkeeping
722.140	Annual Reporting
722.141	Exception Reporting
722.142	Additional Reporting
722.143	Special Requirements for Generators of between 100 and 1000 kilograms per month
722.144	

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section	Applicability
722.150	Definitions
722.151	

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722.152 General Requirements
 722.153 Notification of Intent to Export
 722.154 Special Manifest Requirements
 722.155 Exception Report
 722.156 Annual Reports
 722.157 Recordkeeping
 722.158 International Agreements

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
 722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
 722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section
 722.180 Applicability
 722.181 Definitions
 722.182 General Conditions
 722.183 Notification and Consent
 722.184 Tracking Document
 722.185 Contracts
 722.186 Provisions Relating to Recognized Traders
 722.187 Reporting and Recordkeeping
 722.189 OECD Waste Lists

APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective

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November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. _____, effective _____.

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsection (d), (e), or (f) of this Section, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the following conditions are fulfilled:

1) The waste is placed in or on one of the following:

- A) In containers, and the generator complies with 35 Ill. Adm. Code 725.Subparts Subpart I, AA, BB, and CC; or
- B) In tanks, and the generator complies with 35 Ill. Adm. Code 725.Subparts Subpart J, AA, BB, and CC, except 35 Ill. Adm. Code 725.297(c) and 725.300; or
- C) On drip pads and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:
 - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days, and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the time of sump or collection system and the date and time of removal; or
- D) In containment buildings and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record prior to the date of initial operation of the unit). The owner or operator shall maintain the following records at the facility:
 - i) A written description of procedures to ensure that each waste volume remains in the unit for no more than

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90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

- ii) Documentation that the unit is emptied at least once every 90 days;
- BOARD NOTE: The "in addition" hanging subsection that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a) of this Section.
- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
 - 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725.Subparts C and D and with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).
- b) A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (agency procedural regulations).
- c) Accumulation near the point of generation.
- 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a) of this Section, provided the generator does the following:
 - A) Complies with 35 Ill. Adm. Code 725.271, 725.272, and 725.273(a), 7 and
 - B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
 - 2) A generator that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c) (1) of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) of

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this Section or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with subsection (c) (1) of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- d) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;
- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I (except 35 Ill. Adm. Code 725.276 and 725.278);
- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;
- 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) ~~(e)(4)~~ of this Section, 35 Ill. Adm. Code 725.Subpart C, and 35 Ill. Adm. Code 728.107(a)(5) ~~728-107(a)(4)~~; and
- 5) The generator complies with the following requirements:
 - A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D) of this Section. The employee is the emergency coordinator.
 - B) The generator shall post the following information next to the telephone:
 - i) The name and telephone number of the emergency coordinator;
 - ii) Location of fire extinguishers and spill control material and, if present, fire alarm; and
 - iii) The telephone number of the fire department, unless the facility has a direct alarm.
 - C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
 - D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:
 - i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

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- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 724
- 3) Section Numbers:
 724.931 Proposed Action:
 724.980 Amended
 724.983 Amended
 724.984 Amended
 724.986 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 23, 1999, proposing amendments in docket R00-5 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R00-5 Federal RCRA Subtitle C amendments that occurred during the period January 1, 1999, through June 30, 1999.

The R00-5 docket amends rules in Parts 720, 722, 724, and 725. Prior to discussing the specific changes made to this part, the Board will describe the docket as a whole, since amendments to various parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 3381 USEPA adopted clarifying and corrective amendments to the 40 C.F.R. 264, Subpart CC and 265, Subpart CC organic material emission rules (Subpart CC rules) applicable to hazardous waste tanks, containers, and surface impoundments.

64 Fed. Reg. 6806 USEPA adopted a temporary exemption of certain petroleum refining-related wastes from the definition of hazardous waste.
 (February 11, 1999)

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iii) In the event of a fire, explosion, or other release that could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must include the following information: the name, address, and USEPA identification number (Section 722.112 of this Part) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

e) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d) of this Section.

f) A generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and that accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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64 Fed. Reg. 25407 (May 11, 1999)
USEPA adopted corrections and clarifications to several of its Phase IV land disposal restriction (LDR) rulemaking actions: its May 12, 1997 (62 Fed. Reg. 25998) and May 26, 1998 (63 Fed. Reg. 28556) Phase IV rules; its August 31, 1998 (63 Fed. Reg. 46332) administrative stay of aspects of its May 26, 1998, rule; its September 4, 1998 (63 Fed. Reg. 47409) emergency amendment of the carbamate rule; and the September 24, 1998 (63 Fed. Reg. 51254) amendments relating to spent potliners.

The Board has already taken complete action on one set of these federal RCRA Subtitle C amendments and incomplete action on a second. The Board took complete action on the federal action of February 11, 1999, in the prior consolidated R99-15 RCRA Subtitle C update docket, adopted on June 17, 1999, and filed with the Secretary of State on July 26, 1999. The Board will not amend the Illinois regulations in response to the July 26 federal action. The Board took partial action on the second federal action of May 11, 1999. However, in the prior RCRA Subtitle C update docket, R99-15, the Board could not complete the amendments required by the federal action of May 11 because Part 722 was not involved in that rulemaking docket. Thus, the Board will complete the amendments necessary to Part 722 based on the May 11, 1999 federal action.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

64 Fed. Reg. 4975 (February 2, 1999)
USEPA amended the 40 C.F.R. 136 methods for whole effluent toxicity testing for the purposes of compliance with the Clean Water Act.

64 Fed. Reg. 26315 (May 14, 1999)
USEPA approved the use of a new method for analyzing oil and grease for the purposes of compliance with the Clean Water Act and RCRA regulations.

64 Fed. Reg. 30417 (June 8, 1999)
USEPA amended its guidance on the analysis of mercury in water for the purposes of compliance with the water quality requirements of the Clean Water Act.

Thus, the Board is acting in this consolidated R00-5 docket on the

following USEPA amendments:

- 64 Fed. Reg. 3381 (January 21, 1999)
Subpart CC clarifying and corrective amendments.
- 64 Fed. Reg. 4975 (February 2, 1999)
Whole effluent toxicity testing amendments. (Amendments to 40 C.F.R. 136.)
- 64 Fed. Reg. 25407 (May 11, 1999)
Phase IV LDR corrections and clarifications. (Amendments to Part 722 to complete the necessary amendments.)
- 64 Fed. Reg. 26315 (May 14, 1999)
Oil and grease testing amendments. (Amendments to 40 C.F.R. 136.)
- 64 Fed. Reg. 30417 (June 8, 1999)
Mercury in water testing amendments. (Amendments to 40 C.F.R. 136.)

Specifically, the amendments to Part 724 implement segments of the federal January 21, 1999 Subpart CC amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act does not apply to this rulemaking. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 724 includes incorporations by reference, the present amendments do not affect those incorporations.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R00-5 and be addressed to:

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Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Most of the amendments constitute corrections and clarifications of existing provisions. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The rest of the amendments relate to the incorporation of additional federal Clean Water Act testing procedures by reference. The effects of these amendments is anticipated to be minimal.

13) Regulatory agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

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APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test

APPENDIX E Examples of Potentially Incompatible Waste

APPENDIX I Groundwater Monitoring List

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise,

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superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.931 Definitions

As used in this Subpart, all terms not defined in this the Subpart have the meaning given them in the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" means is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Btu" means British thermal unit.

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Connector" means flanged, screwed, welded or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, "connector" means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

"Control device shutdown" means the cessation of operation of a

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control device for any purpose.

"Distillate receiver" means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

"Distillation operation" means an operation, either batch or continuous, separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

"Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

"Equipment" means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control devices or systems required by this Subpart.

"First attempt at repair" means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

"Flame zone" means the portion of the combustion chamber in a boiler occupied by the flame envelope.

"Flow indicator" means a device that indicates whether gas flow is present in a vent stream.

"Fractionation operation" means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

"ft" means foot.

"h" means hour.

"Hazardous waste management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous

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waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

"Hot well" means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

"In gas-vapor service" means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

"In heavy liquid service" means that the piece of equipment is not in gas/vapor service or in light liquid service.

"In light liquid service" means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20°C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

"In situ sampling systems" means nonextractive samplers on in-line samplers.

"In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

"Kg" means kilogram.

"kPa" means kilopascals.

"lb" means pound.

"m" means meter.

"Mg" means Megagrams, or metric tonnes.

"MJ" means Megajoules, or ten to the sixth Joules.

"MW" means Megawatts.

"Malfunction" means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

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"Open-ended valve or line" means any valve, except a pressure relief valve, that has having one side of the valve seat in contact with hazardous waste process-fluid and one side open to the atmosphere, either directly or through open piping.

"ppmv" means parts per million by volume.

"ppmw" means parts per million by weight.

"Pressure release" means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

"Process heater" means a device that transfer heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

"Process vent" means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"s" means second.

"Sampling connection system" means an assembly of equipment within a process or waste management unit that is used during periods of representative operation to take samples of the process or waste fluid. Equipment that is used to take non-routine grab samples is not considered a sampling connection system.

"scm" means standard cubic meter.

"soft" means standard cubic foot.

"Sensor" means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

"Separator tank" means a device used for separation of two immiscible liquids.

"Solvent extraction operation" means an operation or method of separation in which a solid or solution is contracted with a liquid

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solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

"Startup" means the setting in operation of a hazardous waste management unit or control device for any purpose.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly in to the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"USDOT" means the United States Department of Transportation.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

"yr" means year.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to Subpart I, J, or K of

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this Part, except as Section 724.101 and subsection (b) of this Section provide otherwise.

- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
 - 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
 - 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit generated as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar federal or state authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 2011 et seq.) and the Nuclear Waste Policy Act.
 - 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
 - 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.
- c) For the owner and operator of a facility subject to this Subpart and that received a final RCRA permit prior to December 6, 1996, the requirements of this Subpart must ~~shall~~ be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until the such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725.Subpart CC.
- d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or

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container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

- 2) The owner or operator prepares documentation, in accordance with Section 724.989(1), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.

- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.

- A) An owner or operator shall make an initial determination of

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the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls. Thereafter, an owner or operator shall make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

- B) An owner or operator shall perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 724.982.

- 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must ~~shall~~ be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).

- b) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

- A) An owner or operator shall make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit. Thereafter, an owner or operator shall update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

- B) An owner or operator shall perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 724.982(c)(2) are not achieved.

- 2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor

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pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 724.984(c).

- 2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

- d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 724.984 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.

- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

- 1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

- A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

- i) For a tank design capacity equal to or greater than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).
- ii) For a tank design capacity equal to or greater than 75 m(3) (19,800 gal) but less than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).
- iii) For a tank design capacity less than 75 m(3) (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).

- B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

- C) The owner or operator does not treat the hazardous waste in

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the tank is ~~not-treated-by-the-owner--or--operator~~ using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.

- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in subsection (b)(1)(A) of this Section.

- c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

- 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

- B) The fixed roof must be installed in such a manner ~~such~~ that there are no visible cracks, holes, gaps, or other open spaces between roof Section joints or between the interface of the roof edge and the tank wall.

- C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof:

- i) The opening or manifold system is equipped with a closure device designed to operate ~~so such~~ that when

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the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

- ii) The opening or manifold system is connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E) of this Section.

- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:

- i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and
- ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 264.1084(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

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- A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of the tank.

- B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

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- B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except under the special conditions provided for in subsection (l) of this Section.
- C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:
- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;
 - 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;
 - 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;
 - 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
 - 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.
- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.
- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
 - A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
 - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or
 - ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.
 - C) The internal floating roof must meet the following specifications:

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- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - iv) Each automatic bleeder vent and rim space vent must be gasketed.
 - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
 - vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from

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the atmosphere; or when the slotted membrane has more than 10 percent open area.

- B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:

- i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
- ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.

- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

- ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven

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calendar days before refilling the tank.

- E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- 4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

- f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

- 1) The owner or operator shall design the external floating roof in accordance with the following requirements:

- A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

- B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

- i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm(2)) per meter (10.0 square inches (in(2)) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.

- ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.00 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).

- C) The external floating roof must meet the following specifications:

- i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a

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- projection below the liquid surface.
- ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.
 - iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.
 - iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.
 - v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.
 - vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.
 - vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.
 - viii) Each slotted guide pole must be equipped with a gasketed float or other device that which closes off the liquid surface from the atmosphere.
 - ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
- C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
- D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
- F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
- G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or

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- well must be opened for access.
- H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
 - iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.
 - iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D) of this Section.
 - v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
 - vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
 - B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
 - i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank;

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broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii) of this Section.

iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the

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explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:

i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

iii) For a seal gap measured under subsection (f)(3) of this Section, the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from 40 CFR 264.1084(f)(3)(1)(D)(1) through (f)(3)(1)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (f) of this Section.

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control

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device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate so such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so

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3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 724.983(d).

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere except under either of the following two conditions: in--the--event--that--a--safety--device--as--defined--in--35--Ill--Adm--Code--725--981--is--required--to--open--to--avoid--an--unsafe--condition--

A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to avoid an unsafe condition.

B) The tank does not need to be operated as a closed-vent system at those times when the purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated

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in accordance with the requirements of Section 724.987. 1) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall ~~must~~ meet the requirements specified in subsections (j)(1) through (i)(4) of this Section.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.

4) The owner or operator shall inspect and monitor the closed-vent system and control device as specified in Section 724.987.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.

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B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).

C) The hazardous waste meets the requirements of Section 724.982(c)(4).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:

1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

1) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1) In the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 724.986 Standards: Containers

- a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.
- b) General requirements.

1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

A) For a container having a design capacity greater than 0.1 m(3) (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable U.S.--Department--of Transportation--(USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a

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lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the

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process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for

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the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or

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closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable DOT regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

- d) Container Level 2 standards.
- 1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable ~~W-9---~~**Department--of Transportation--(USDOT)** regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

- 2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

- 3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain

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each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a

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port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the

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Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in the appendix to 40 CFR 262 (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

- C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

- e) Container Level 3 standards.

- 1) A container using Container Level 3 controls is one of the following:

- A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

- B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

- 2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

- A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or

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temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 724.989(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable W-S-7 Department--of--Transportation--(USDOT) regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous waste is managed in the container in accordance with

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the applicable requirements specified in 49 CFR 107, Subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).

g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B) of this Section, the procedure specified in Section 724.983(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with the containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.

1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is

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determined to be vapor-tight.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Certified Veterinary Technicians

2) Code Citation: 68 Ill. Adm. Code 1505

3) Section Numbers: Proposed Action:
 1505.10 Amendment
 1505.30 Amendment
 1505.40 Amendment
 1505.52 New Section

4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115]

5) A. Complete Description of the Subjects and Issues Involved: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this proposed rulemaking adds Section 1505.52 to accomplish that change. Various technical revisions have also been made.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attn: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813
 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those offering the services of a veterinary

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technician.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Veterinary
technician training is necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1505

CERTIFIED VETERINARY TECHNICIANS

Section	
1505.10	Application for Examination
1505.20	Examination
1505.30	Endorsement
1505.40	Restoration
1505.50	Renewals
1505.52	Fees
1505.55	Continuing Education
1505.60	Permissible Functions for Veterinary Technicians
1505.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 10 Ill. Reg. 19500, effective November 5, 1986; transferred from Chapter I, 68 Ill. Adm. Code 505 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1505 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2918; amended at 18 Ill. Reg. 11180, effective June 30, 1994; amended at 23 Ill. Reg. _____, effective _____.

Section 1505.10 Application for Examination

- a) An applicant for a certificate as a veterinary technician shall file an application, on forms supplied by the Department of Professional Regulation (the Department), at least 60 days prior to an examination date. The application shall include:
 - 1) Certification of graduation from a veterinary technician program accredited by the American Veterinary Medical Association;
 - 2) A complete work history since completion of a veterinary technician program;
 - 3) Certification of licensure from state of original and current licensure, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and

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- 4) The required fee set forth in Section 1505.52 of this Part ~~14124~~ **14124** of the Act.

b) Examination prior to graduation

- 1) An applicant enrolled in an approved veterinary technician program will be admitted to the May or December examination prior to graduation if he/she provides certification from a veterinary technician program from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.

- 2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (b)(1) above.

- 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.

- c) Applicants who have successfully completed the Veterinary Technician National Examination prepared by the Professional Examination Service in another state will receive credit for that examination if the applicant passed the examination according to the testing entity's standard. The examination score report must be forwarded to the Department from Interstate Reporting Service.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1505.30 Endorsement

- a) An applicant who is certified as a veterinary technician under the laws of another state or territory of the United States shall file an application with the Department, together with:

- 1) A certification from the licensing authority of the state or territory of original licensure stating:

A) The time during which the applicant was licensed in that state;

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;

C) A brief description of the examination and the grades received. If the examination is the examination prepared by the Professional Examination Service, the grades must be forwarded directly to the Department from Interstate Reporting Service and must reflect the grade received in the state of original licensure;

- 2) Certification of licensure from the state in which the applicant is currently licensed if it is other than the state of original licensure;

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- 3) A completed Certification of Education form that must be signed by the dean or registrar of the school from which the applicant received his/her professional training;
- 4) A complete work history since completion of the applicant's training; and

- 5) The required fee set forth in Section 1505.52 ~~14157~~ of the Act.
- b) The Department shall examine each application to determine compliance with Section 13 of the Veterinary Medicine and Surgery Practice Act of 1994 (the Act) [225 ILCS 115]. The applicant may be required to appear before the Veterinary Licensing and Disciplinary Board (the Board) to clarify or explain information contained on the submitted documentation in order for the Board to determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State at the time of licensure.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1505.40 Restoration

- a) A veterinary technician seeking restoration of a certificate that has expired for less than 5 years shall have the certificate restored upon payment of the required fees. However, ~~a veterinary technician seeking restoration of a certificate within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to such service, be excused from the payment of any fees.~~

- b) A veterinary technician seeking restoration of a certificate that has expired or been on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the required fee. The veterinary technician shall also submit either:

1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

2) Two affidavits attesting to the applicant's practice as a veterinary technician in a jurisdiction where licensure is not required; or

3) An affidavit attesting to military service as provided in Section 15 of the Act; or

4) Evidence of other experience within the profession, other than active practice (such as research, teaching or publishing) during the time in which the certificate was expired.

- c) A veterinary technician seeking restoration of a certificate that has been on inactive status for less than five years shall have the certificate restored upon filing an application, on forms provided by the Department, and paying the current renewal fee.

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- d) A After-January-31-1997-a veterinary technician seeking restoration of a license shall be required to complete the continuing education requirements set forth in Section 1505.55 for one renewal period. However, an individual restoring within 2 years after termination of military service pursuant to Section 15 of the Act will not be required to submit proof of continuing education.
- e) A veterinary technician seeking restoration of a certification within 2 years after termination of military service as provided in Section 15 of the Act shall, upon submission of an affidavit attesting to that service, be required to pay only the current renewal fee.
- f) ~~e~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1505.52 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a certificate as a veterinary technician is \$50. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- b) Renewal Fees. The fee for the renewal of a certificate shall be calculated at the rate of \$25 per year.
- c) General Fees.
 - 1) The fee for the restoration of a certificate other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$150.
 - 2) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate, for a certificate that has been lost or destroyed or for the issuance of a certificate with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes

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- on Department records when no duplicate certificate is issued.
- 3) The fee for a certification of a registrant's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as veterinarians or veterinary technicians in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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Register will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses providing dietetic or nutrition services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Dietetic and nutrition skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

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1) Heading of the Part: Dietetic and Nutrition Services Practice Act

2) Code Citation: 68 Ill. Adm. Code 1245

3) Section Numbers: Proposed Action:

- 1245.100 Repeal
- 1245.110 Amendment
- 1245.150 Amendment
- 1245.160 Amendment
- 1245.200 Repeal
- 1245.210 Amendment
- 1245.250 Amendment
- 1245.260 Amendment
- 1245.300 Amendment
- 1245.305 New Section
- 1245.310 Amendment

4) Statutory Authority: Dietetic and Nutrition Services Practice Act [225 ILCS 30]

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-454 removes the statutory fee Section of the Act, to be replaced with fees by administrative rule; this rulemaking adds Section 1245.305 to implement that provision. Obsolete provisions are also being removed and various technical revisions are being made.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813; Fax: 217/782-7645

All written comments received within 45 days of this issue of the Illinois

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1245

DIETETIC AND NUTRITION SERVICES PRACTICE ACT

SUBPART A: DEFINITIONS

Section 1245.10	Definitions
Section 1245.100	Application for Licensure as a Dietitian Under Section 60(a) of the Act (Grandfather) (Repealed)
1245.110	Application for Examination/Licensure
1245.120	Examination
1245.130	Approved Programs in Dietetics
1245.140	Experience
1245.150	Endorsement
1245.160	Restoration

SUBPART C: NUTRITION COUNSELOR

Section 1245.200	Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (Grandfather) (Repealed)
1245.210	Application for Examination/Licensure
1245.220	Examination
1245.230	Approved Programs of Nutrition Counselors
1245.240	Experience
1245.250	Endorsement
1245.260	Restoration

SUBPART D: GENERAL

Section 1245.300	Renewal
1245.305	Fees
1245.310	Continuing Education
1245.320	Inactive Status
1245.330	Unprofessional Conduct
1245.340	Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225

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ILCS 30] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. 11678, effective May 26, 1995; amended at 22 Ill. Reg. 8445, effective May 4, 1998; amended at 22 Ill. Reg. 19856, effective October 30, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART B: DIETITIAN

Section 1245.100 Application for Licensure as a Dietitian Under Section 60(a) of the Act (Grandfather) (Repealed)

- a) Any person seeking a license without examination under Section 60(a) of the Dietetic and Nutrition Services Practice Act--(the Act)--shall file an application with the Department, on forms provided by the Department,--the application shall be postmarked no later than December 31, 1995, and shall include the following:
- i) Verification of:
- A) current registration as a Registered Dietitian--from the Commission on Dietetic Registration, the accrediting body for the American Dietetic Association, and verification of current practice in Illinois; or
- B) employment in the practice of dietetics, as defined in Section 10 of the Act, in Illinois for at least 3--of--the last 5--years prior to January 1, 1993, for a minimum of 40 hours per week, and certification of education and an official transcript from:
- i) A baccalaureate or post-baccalaureate program in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation (GORPA) and the United States Department of Education; or
- j) A baccalaureate degree or post-baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;
- 2) A complete history since graduation from a baccalaureate program;
- 3) The required fee set forth in Section 85(a) of the Act; and
- 4) Certification on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that

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- jurisdiction, including the date of original issuance of the license; and
- b) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
- b) Practice or employment in dietetics shall be documented by one or more of the following:
- 1) Certification of experience on forms provided by the Department, signed by an employer or
 - 2) Three affidavits submitted by clients, peers or colleagues familiar with the applicant's work;
 - c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 1245.110 Application for Examination/Licensure

- a) An applicant for examination to obtain licensure as a dietitian shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:
- 1) Certification of education and an official transcript indicating the applicant holds one of the following:
 - A) A baccalaureate degree or post baccalaureate degree in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education; or
 - B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;
 - 2) Verification of 900 hours of experience, on forms provided by the Department:
 - A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a dietitian;
 - B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.140 of this Part;
 - 3) A complete work history;
 - 4) The required fee set forth in Section 1245.305 of the Act; and

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- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) In lieu of the documents in subsections subsection (a)(1) and (2) above an applicant for licensure as a dietitian who at the time of application has maintained a "registered dietitian" designation from the Commission on Dietetic Registration shall submit a copy of his/her current registration from the Commission. The applicant will not be required to take the examination set forth in Section 1245.120.
- c) If an applicant for licensure is not a registered dietitian but has taken and passed the dietetic examination given through the Commission on Dietetic Registration within 12 months before applying for licensure, the applicant shall not be required to retake the exam. The examination scores shall be submitted to the Department directly from the testing entity.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- e) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1245.150 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a dietitian shall file an application with the Department, on forms provided by the Department, which includes:
- 1) Certification of education and an official transcript from a baccalaureate or post baccalaureate degree program in human nutrition, foods and nutrition, dietetics, food systems

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management or nutrition education from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post Secondary Accreditation, or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130(a) of this Part;

- 2) Certification of at least 900 hours of supervised or internship experience as set forth in Section 1245.140 of this Part;
- 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:
 - A) The time during which the applicant was originally licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) Examination(s) taken and examination score(s) received;
- 4) A complete work history since graduation from a baccalaureate or post baccalaureate program; and
- 5) The required fee as set forth in Section 1245.305 ~~05(d)~~ of the Act.

b) In lieu of the documents in subsections (a)(1) and (2) above, the applicant may submit a current registration as a "registered dietitian" from the Commission on Dietetic Registration.

c) An applicant for licensure as a dietitian who is registered/licensed under the laws of another state or territory of the United States or of a foreign country or is a registered dietitian may practice dietetics in this State until:

- 1) The expiration of 6 months after the filing of the written application;
- 2) The withdrawal of the application; or
- 3) The denial of the application by the Department.

d) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1245.160 Restoration

a) Any dietitian whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 ~~05-of-the-Act~~ and providing proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration.

b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an

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application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 ~~05-of-the-Act~~ and proof of meeting continuing education requirements of Section 1245.190 of this Part during the 2 years prior to restoration. The applicant shall also submit:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
- 2) An affidavit attesting to military service as provided in Section 65 of the Act;
- 3) Proof of passage of the ADA/CDR examination for dietitians during the period the license was lapsed or on inactive status; or
- 4) Current "Registered Dietitian" status from the Commission on Dietetic Registration.

c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART C: NUTRITION COUNSELOR

Section 1245.200 Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (Grandfather) (Repealed)

a) Any person seeking a license without examination under ~~Section 60(b) of the Dietetic and Nutrition Services Practice Act shall file an application with the Department, on forms provided by the Department. The application shall be postmarked no later than December 31, 1995 and shall include the following:~~

i) Verification of employment as a provider of nutrition services in

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Illinois for remuneration for at least 3 of the last 5 years prior to January 1, 1992, for a minimum of 20 hours per week. Employment shall be documented by one or more of the following:

- A) Certification of experience, on forms provided by the Department, signed by an employer, or
- B) Three affidavits submitted by clients, peers or colleagues familiar with the applicant's work?

- 2) Evidence of meeting a level of competency as required in Section 60(b) of the Act. Evidence shall include at least one of the following:

- A) Submission of a certification of education, on forms provided by the Department, and an official transcript from a baccalaureate degree or post-baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology, public health, or an equivalent major course of study as set forth in Section 1245.230 from a school or program accredited at the time of graduation by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education, or
- B) Verification of licensure: Doctor of Chiropractic (D-C); Doctor of Naturopathy (D-N); Medical Doctor (M-D); or Doctor of Osteopathy (D-O); Registered Professional Nurse (R-N); or

- E) Verification of current registration as a Certified Clinical Nutritionist (CCN), proof of passage of the ECN examination from the International and American Association of Clinical Nutritionists, and a baccalaureate or post-baccalaureate degree from a regionally accredited institution, or

- B) Verification of practicing nutrition counseling for at least 15 years for remuneration, or

- B) Proof of a current registration from the Certification Board for Nutrition Specialists with the American College of Nutrition?

- 3) A complete work history?

- 4) The required fee set forth in Section 85(a) of the Act, and
- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

- B) A description of the examination in that jurisdiction, and
- E) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- B) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the

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Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary, and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 1245.210 Application for Examination/Licensure

- a) An applicant for examination to obtain licensure as a nutrition counselor shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

- 1) Certification of education, on forms provided by the Department, and an official transcript indicating the applicant holds one of the following:

- A) A baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health granted from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation and the United States Department of Education; or

- B) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;

- 2) Verification of 900 hours of experience, on forms provided by the Department:

- A) Prior to July 1, 1995, an applicant shall document 900 hours of employment as a nutrition counselor;

- B) Experience earned after July 1, 1995, shall be supervised experience as defined in Section 1245.240 of this Part;

- 3) A complete work history since graduation from a baccalaureate program;

- 4) The required fee set forth in Section 1245.305 of the Act; and
- 5) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of

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disciplinary actions taken or pending.

- b) An applicant who has filed a completed application with the Department may work under direct supervision as defined in Section 1245.10 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1245.250 Endorsement

- a) An applicant who is registered/licensed under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a nutrition counselor shall file an application with the Department, on forms provided by the Department, which includes:

1) Certification of a baccalaureate degree or post baccalaureate degree in human nutrition, food sciences, home economics, biochemistry, physiology or public health from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post Secondary Accreditation, or in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.230 of this Part;

2) Certification of at least 900 hours of experience in accordance with Section 1245.240 of this Part;

3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant is currently licensed/registered, stating:

- A) The time during which the applicant was originally licensed/registered;
- B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
- C) Examination(s) taken and examination score(s) received;
- 4) A complete work history; and
- 5) The required fee as set forth in Section 1245.305 ~~85-04-06-the Act.~~

- b) An applicant for licensure as a nutrition counselor who is registered/licensed under the laws of another state or territory of the United States or of a foreign country may practice in this State until:

- 1) The expiration of 6 months after the filing of the written application;
- 2) The withdrawal of the application; or
- 3) The denial of the application by the Department.
- c) The applicant shall have the license issued or be notified in writing of the reason for denying the application.

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(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1245.260 Restoration

- a) Any nutrition counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1245.305 ~~85-04-06-the Act~~ and providing proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1245.305 ~~85-04-06-the Act~~ and proof of meeting continuing education requirements of Section 1245.290 of this Part during the 2 years prior to restoration. The applicant shall also submit:

1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;

2) An affidavit attesting to military service as provided in Section 65 of the Act; or

3) Proof of passage of the Department authorized examination for nutrition counselor during the period the license was lapsed or on inactive status.

- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

e) Upon the recommendation of the Board and approval of the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL

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Section 1245.300 Renewal

- a) The first renewal period for licenses issued under the Act shall be October 31, 1997. Thereafter, every license issued under the Act shall expire October 31 of odd-numbered years. For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. ~~Beginning with the October 31, 2001 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education in accordance with Section 1245.310 of this Part. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.~~
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1245.305 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
- 1) The fee for application for a license as a dietitian or nutrition counselor is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application as a continuing education sponsor is \$500. State colleges, universities, and State agencies are exempt from payment of this fee.
- b) Renewal Fees.
- 1) The fee for the renewal of a license shall be calculated at the rate of \$50 per year.
 - 2) The fee for renewal of continuing education sponsor approval is \$250.
- c) General Fees.
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or

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destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

- 3) The fee for certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as dietitians or nutrition counselors in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 1245.310 Continuing Education

- a) Continuing Education Hours Requirements
- 1) For the October 31, 1999 renewal, a licensee will be required to complete 15 hours of continuing education. Beginning with the October 31, 2001 renewal and every renewal thereafter, in order to renew a license a licensee shall be required to complete 30 hours of continuing education.
 - 2) A prerenewal period is the 24 months preceding October 31 of each odd-numbered year.
 - 3) One CE hour shall equal one clock hour. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 4) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour, 14 CE hours for each trimester hour and 10 CE hours for each quarter hour of school credit awarded.
 - 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
 - 6) Dietitians and nutrition counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education
- 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who

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meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.

- 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of dietetic or nutrition services related courses that are a part of the curriculum of a college or university.
- 3) CE credit may be earned for verified teaching in a regionally accredited college, university or graduate school of dietetics approved in accordance with Section 1245.130 ~~1209-130~~ or nutrition services approved in accordance with Section 1245.230 ~~1209-230~~ and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every clock hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). A person may earn up to 10 hours per renewal.
- 4) CE credit may be earned for community education in the field of dietetics or nutrition services. A total of 6 hours of credit may be obtained during one renewal period.
- 5) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with dietetics or nutrition services may be claimed as 5 hours of credit per renewal period. A presentation must be before an audience of dietitians or nutrition counselors. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean one of the following:

- A) American Dietetic Association (ADA), branch associations, or organizations approved as sponsors of continuing education by the Commission on Dietetic Registration (CDR);
- B) Certification Board of Nutrition Specialists (CBNS), branch associations, or organizations approved as sponsors of continuing education by the CBNS;
- C) Regionally accredited colleges, universities;
- D) A person, firm, association, corporation or any other group that applies pursuant to subsection (c)(2) below and has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.

- 2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the required fee as set forth in Section 1245.305 ~~85--of--the--Act.~~ (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application

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shall include:

- A) Certification:
 - i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
 - ii) That the sponsor shall be responsible for verifying attendance at each program and provide a certificate of attendance to the participant as set forth in subsection (c)(9) below;
 - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
 - iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered;
- B) A copy of a 3 hour sample program with faculty, course materials and syllabi.
- 3) All programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of dietetics or nutrition services;
 - B) Foster the enhancement of general or specialized work in the practice of dietetics or nutrition services;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the licensed sponsor and the sponsor's license number.

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The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

- 6) All programs given by approved sponsors shall be open to all dietitians and nutrition counselors and not be limited to members of a single organization or group.
 - 7) To maintain approval as a sponsor, each sponsor shall submit to the Department by October 31 of each odd-numbered year a renewal application, the fee required in Section 85 of the Act and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
 - 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
 - 9) The sponsor shall maintain attendance records for not less than 5 years.
 - 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 11) Upon the failure of a sponsor to comply with any one of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.
 - 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of

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attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
 - 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$20 25 processing fee, within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to participating in the program.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in this Section.
 - f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 1245.305 ~~85-47-of-the-Act~~.
 - g) Waiver of CE Requirements
 - 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 1245.305 ~~85-47-of-the-Act~~, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
 - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States

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of America during a substantial part of the prerenewal period;

- B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; and
 - D) Any other similar extenuating circumstance.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Funeral Directors and Embalmers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3) Section Numbers:

1250.120	Proposed Action:
1250.135	Amendment
1250.150	Amendment
1250.160	Amendment
1250.165	New Section
- 4) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this proposed rulemaking adds Section 1250.165 to accomplish that change. Obsolete provisions have also been removed and various technical revisions have been made.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813
- 12) Initial Regulatory Flexibility Analysis:

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

 A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing funeral directing and embalming

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services.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Funeral directing and embalming skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1250

FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section

- 1250.110 Approved Programs of Mortuary Science
- 1250.120 Application for Traineeship
- 1250.130 Requirements for Traineeship
- 1250.135 Application for Licensure
- 1250.140 Examination
- 1250.150 Reciprocity
- 1250.155 Inactive Status
- 1250.160 Restoration
- 1250.165 Fees
- 1250.170 Requirements for a Preparation Room
- 1250.180 Required Activities (Repealed)
- 1250.190 Violations (Repealed)
- 1250.200 Renewals
- 1250.205 Advertising
- 1250.210 Granting Variances
- 1250.220 Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; repealed and new rules adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective October 22, 1993; amended at 23 Ill. Reg. 2296, effective January 22, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 1250.120 Application for Traineeship

- a) An applicant for a license as a funeral director and embalmer trainee shall file an application on forms supplied by the Department. The

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application shall include:

- 1) Either:
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e. applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.
- 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches;
- 3) Certification of acceptance, completed and signed by a licensed funeral director and embalmer whose license is active and in good standing, stating that the applicant will be studying and training under his/her supervision;
- 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
- 5) The required fee set forth in Section 1250.165 of this Part ~~15-65~~ **of-the-Code**.
- b) Upon receipt of the above documents and review of the application, the Department shall issue a funeral director and embalmer trainee license or notify the applicant, in writing, of the reason for the denial of the application.
- c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.
- d) Effective June 1, 1991, all qualified applicants will be issued a funeral director and embalmer trainee license.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1250.135 Application for Licensure

- a) An applicant for a license as a funeral director and embalmer, pursuant to Section 10-10 of the Code, shall file an application on forms supplied by the Department. The application shall include the following:
 - 1) Certification of completion of traineeship signed by the licensed

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funeral director and embalmer under whose supervision the traineeship was performed.

- 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches.

- 3) Verification of successful completion of the National Conference Examination, pursuant to Section 1250.140, to be forwarded by the National Conference directly to the Department.

- 4) A complete work history since completion of an approved program as set forth in Section 1250.110.

- 5) Applicants not having been issued Illinois funeral director and/or embalmer trainee licenses or who have been issued one which has been expired for more than 5 years shall submit the following:

- A) Official transcripts showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
- B) Certification of graduation with an associate's degree in mortuary science from an approved program of mortuary science or an equivalent associate's degree (i.e., applied science); or
- C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.

- 6) The fee specified in Section 1250.165 ~~15-65-of-the-Code~~.
- b) Upon receipt of the above documents and review of the application, the Department shall issue a license authorizing the applicant to engage in the practice of funeral directing and embalming or notify the applicant, in writing, of the reason for the denial of the application.

- c) Beginning June 1, 1991, the Department shall not issue any new licenses as funeral directors or any new licenses for embalmers.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1250.150 Reciprocity

- a) An applicant who is currently licensed as a funeral director and embalmer under the laws of another state or territory of the United States or of a foreign country or province shall file an application with the Department together with:
 - 1) Either:
 - A) An official transcript showing proof of successful

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completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;

B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or

C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;

2) Affidavits stating that the applicant has been actively engaged in the practice of funeral directing and embalming for at least 1 year, completed by 2 persons with personal knowledge of such experience;

3) A certification by the state or territory of original and current licensure, stating:

A) The time during which the applicant was licensed in that jurisdiction;

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and

C) A brief description of the examination, the applicant's grades and a statement that the state grants reciprocity to funeral directors and embalmers licensed in Illinois;

4) A complete work history since completion of an approved program as set forth in Section 1250.110; and

5) The fee set forth in Section 1250.165 ~~15-65-of-the-Code~~.

b) The Department shall examine each reciprocity application to determine whether the requirements for licensure in the jurisdiction in which the applicant is licensed were at the date of application substantially equivalent to the requirements in force in this State. The Department shall either issue a license by reciprocity to the applicant or notify him/her, in writing, of the reasons for the denial of the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1250.160 Restoration

a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the following:

1) The restoration fee(s) specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165. ~~15-65~~

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~~of--the--Code--When--restoring--a--license--from--inactive--status--a person--does--not--have--lapsed--renewal--fees--to--pay.~~

2) ~~Proof Any licensee restoring a license after June 17, 1993, shall be--required--to--submit--proof of completion of the required number of continuing education (CE) hours for one pre renewal period as specified in Section 1250.220 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by approved sponsors of continuing education programs.~~

b) ~~In--addition--to--satisfying--the--requirements--of--subsection--(a)--above the--licensee--shall--also--submit--either:~~

3) Either:

A) ~~1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;~~

B) ~~2) An affidavit attesting to military service as provided in Sections 5-15 and 10-35 of the Code. If application is made within 2 years of discharge, and if all other provisions of Sections 5-15 and 10-35 of the Code are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or~~

C) ~~3) Evidence of other education or experience acceptable to the Department of the licensee's fitness to have the license restored. Such evidence shall be reviewed on a case by case basis by the Board.~~

b) ~~1) A licensee seeking restoration of a license that has expired or been on inactive status for less than 5 years, or has been placed in nonrenewed status for failure to comply with CE requirements shall file an application on forms provided by the Department, together with the following:~~

1) ~~The restoration fee(s) specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165. ~~15-65 of--the--Code--When--restoring--a--license--from--inactive--status--a person--does--not--have--lapsed--renewal--fees--to--pay.~~~~

2) ~~Any licensee restoring a license after June 17, 1993, shall be required to submit proof of completion of the required number of CE hours for one pre renewal period as specified in Section 1250.220 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs.~~

c) ~~Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.~~

d) ~~When the accuracy of any submitted documentation, or the relevance or~~

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sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license will be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Department, an applicant shall have the license restored.

d) Persons to whom a funeral director license and embalmer license were issued prior to June 1, 1991, shall be required to restore both licenses. Persons to whom a funeral director license was issued prior to June 1, 1991, will be allowed to restore that license.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1250.165 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

- 1) The fee for application for a license as a funeral director and embalmer is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 2) The application fee for a license as a funeral director and embalmer certified or licensed under the laws of another jurisdiction is \$200.
- 3) The application fee for a license as a funeral director and embalmer trainee is \$50.

b) Renewal Fees.

- 1) The fee for the renewal of a license as a funeral director and embalmer or a funeral director and embalmer trainee shall be calculated at the rate of \$50 per year.
- 2) The fee for the renewal of a license as a funeral director shall be calculated at the rate of \$25 per year.

c) General Fees.

- 1) The fee for the restoration of a funeral director and embalmers license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$260.
- 2) The fee for the restoration of a funeral director license other

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than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$130.

- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fee charge by the testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 7) The fee for a roster of persons licensed as funeral directors, funeral directors and embalmers, or funeral director and embalmer trainees in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Architecture Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1150

3) Section Numbers: Proposed Action:

1150.60 Amendment

1150.70 Amendment

1150.75 New Section

1150.100 Amendment

4) Statutory Authority: The Illinois Architecture Practice Act of 1989 [225 ILCS 305].

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Illinois Architecture Practice Act of 1989. Among its changes was elimination of the statutory fee Section of the Act, to be replaced with fees set by administrative rule; this proposed rulemaking adds Section 1150.75 to accomplish that change. Various technical revisions have also been made.

6) Will these proposed amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed architects.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Architect skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150

ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section	Education Requirements and Diversified Professional Training Requirements
1150.10	
1150.20	Category II - Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.30	Application for Licensure by Examination
1150.40	Examination
1150.50	Approved Architecture Programs
1150.60	Licensure by Endorsement
1150.65	Inactive Status
1150.70	Restoration
1150.75	Fees
1150.80	Professional Design Firm
1150.85	Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act

1150.90 Standards of Professional Conduct

1150.95 Architecture Complaint Committee

1150.100 Renewals

1150.110 Granting Variances

ILLUSTRATION A Architect Seal Requirements

APPENDIX A Categories of Diversified Professional Training

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997;

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amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1150.60 Licensure by Endorsement

a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by endorsement shall file an application with the Department together with:

1) Either:

A) Council Certification, issued by and forwarded directly to the Department by the NCARB; or

B) Other Proof of Qualifications and Licensure

i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or territory, including certification of education, and affidavits of training.

ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; the basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;

2) The required fee as set forth in Section 1150.75 ~~19-of-the-Act~~;

3) A complete work history since graduation from an architecture program;

4) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense, by the Education Evaluator Services for Architects (EESA). Applicants shall obtain the forms from the EESA, Educational Credential Evaluators, Inc., P.O. Box 17499, Milwaukee, WI 53217. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20; and

5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 for the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from an architectural program outside the United States or its territories and whose first language is not English. In order to

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determine applicants whose first language is English, the applicant shall submit verification from the school that the architectural program from which the applicant graduated was taught in English.

- b) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of the application.

- c) The Department shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of five years and has provided evidence demonstrating competence in the area(s) of examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for the part or parts pursuant to this provision.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1150.70 Restoration

- a) A licensee seeking restoration of a license which has expired for less than 3 ~~three~~-~~4~~ years shall have the license restored upon payment of \$20 ~~\$10~~ plus the ~~all~~ lapsed renewal fee fees required by Section 1150.75 Sections-17-and-19-of-the-Act.

- b) A licensee seeking restoration of a license which has been placed on inactive status for less than 3 ~~three~~-~~4~~ years shall have the license restored upon payment of the current renewal fee as specified by Section 1150.75 Sections-17-and-19-of-the-Act.

- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 ~~three~~-~~4~~ years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1150.75 Sections-17-and-19-of-the-Act. The licensee shall also submit either:

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- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act; or
- 3) Other evidence of continued active practice of architecture for at least the last 3 ~~three~~-~~4~~ years. Other evidence shall include, but not be limited to:

- A) Employment in a responsible capacity under the direct supervision and control of a licensed architect; or
- B) Lawfully practicing architecture as an employee of a governmental agency; or
- C) Teaching architecture in a college or university program accredited by the NAAB; or
- D) Attendance during the past 3 ~~three~~-~~4~~ years at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Department upon recommendation of the Board.

- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1150.75 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

- 1) The fee for application for a license as an architect is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear

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for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The application fee for a certificate of registration as a professional design firm is \$75.

b) Renewal Fees.

1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.

2) The fee for renewal of a certificate of registration as a professional design firm is \$75.

c) General Fees.

1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is \$20.

4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fee charge by the testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as architects in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 1150.100 Renewals

a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the fee required by Section 1150.75 ~~19-of-the-Act~~.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a two-year period during the month preceding the expiration date thereof by paying the fee

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specified in Section 1150.75 ~~19-of-the-Act~~.

d) Practicing or operating on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1270

3) Section Numbers: Proposed Action:
 1270.5 Amendment
 1270.10 Amendment
 1270.30 Amendment
 1270.40 Amendment
 1270.50 Amendment
 1270.52 New Section

4) Statutory Authority: The Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Illinois Professional Land Surveyor Act of 1989. Among its changes was elimination of the statutory fee Section of the Act, to be replaced with fees set by administrative rule; this proposed rulemaking adds Section 1275.52 to accomplish that change. Various technical revisions have also been made.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of land surveyors.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Land surveying skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section 1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Land Surveying Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.60	Granting Variances
APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 1548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg.

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14252, effective October 15, 1997; amended at 23 Ill. Reg. _____, effective _____.

Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination

a) An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the Act) [225 ILCS 330] shall file an application, on forms supplied by the Department of Professional Regulation (the Department), by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

1) Certification of education completed by the educational institution attended and/or experience verified by the employer of one of the following:

A) A baccalaureate degree in land surveying from an accredited college or university;

B) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses;

E) A baccalaureate degree in a related science, as defined in Section 1270.15, from an accredited college or university and 2 years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 8 months;

B) An associate degree in land surveying technology from an accredited junior college and 3 years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 12 months;

B) An associate degree in engineering technology from an accredited junior college and 4 years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 16 months;

F) An associate degree in related science from an accredited junior college and 6 years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 32 months;

G) A high school diploma or GED and 8 years of approved land surveying experience as set forth in Section 1270.13. Maximum allowable experience under Section 1270.13(d)(2) shall be 32 months;

2) A complete work history indicating all employment since fulfillment of the educational requirements set forth in subsection (a)(1) above.

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- 3) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction; and

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- 4) The required fee specified in Section 1270.52 of this Part 21-of-the-Act:

5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

6) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15.

- b) *Beginning January 1, 1998, an applicant shall have a baccalaureate degree in land surveying from an accredited college or university, or a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution (Section 13 of the Act).*

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Department by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Educational and experience requirements.

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- 1) Applicants filing after January 1, 1986:
- A) Shall have met one of the educational and experience requirements set forth in Section 1270.5;
- B) Shall have been issued a license as a Professional Land Surveyor-in-Training; and
- C) Shall have completed at least 4 years of experience in land surveying approved in accordance with Section 1270.13(a), (b), (c) and (d)(1). Such experience shall be subsequent to passage of the Fundamentals of Land Surveying examination.

2) Applicants who have obtained 4 years of experience or more in the practice of land surveying prior to January 1, 1982:

A) Shall have met one of the educational and experience requirements set forth in Section 1270.5(a)(1); and

B) Shall have completed at least 4 years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1). Applicants shall be permitted to continue acquiring experience without being issued a Professional Land Surveyor-in-Training license.

b) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

2) A description of the examination in that jurisdiction; and

3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

c) Verification of experience form, completed by the employer, indicating the required 4 years of approved experience in land surveying as set forth in Section 1270.13(a), (b), (c) and (d)(1).

d) A complete work history indicating all employment since fulfillment of the educational requirements set forth in Section 1270.5.

e) The required fee specified in Section 1270.52 21-of-the-Act.

f) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

g) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the

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Department to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1270.30 Endorsement

a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Department together with:

1) Proof that the applicant has met the requirements substantially equivalent to those in force in this state for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of experience as appropriate;

2) A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:

A) The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;

B) The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and

C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant;

3) A complete work history indicating all employment since fulfillment of educational requirements;

4) The required fee specified in Section 1270.52 2i-of-the-Act;

5) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the evaluation meets the requirements set forth in this Section and Section 1270.15;

6) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its

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territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

b) An applicant for licensure under this Section shall be required to appear before the Land Surveyor Examining Board (the Board) for an oral interview if the Department has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information. c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.

d) The Department shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of such application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1270.40 Restoration

a) A licensee seeking restoration of a his license which has expired for less than 5 five-45 years shall have the his license restored upon payment of \$20 10 plus all lapsed renewal fees specified by Section 1270.52 2i-of-the-Act.

b) A licensee seeking restoration of a his license which has been placed on inactive status for less than 5 five-45 years shall have his license restored upon payment of the current renewal fee specified by Section 1270.52 18-and-21-of-the-Act.

c) A licensee seeking restoration of a his license after it has expired or been placed on inactive status for more than 5 five-45 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee specified by Section 1270.52 18-and-21-of-the-Act. The licensee shall also submit either:

1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the jurisdiction that the licensee was authorized to practice during the term of said active practice;

2) An affidavit attesting to military service as provided in Section 16 of the Act; or

3) Proof of passage of the Illinois Jurisdictional Examination and/or the NCEES examination within one year after of application; or

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- 4) Other evidence of continued competence in land surveying. Other evidence shall include, but not be limited to:

- A) Employment in a responsible capacity by a licensed land surveyor as determined by the Board;
- B) Lawfully practicing land surveying as an employee of a governmental agency;
- C) Teaching land surveying in a college or university; or
- D) Attendance at educational programs in land surveying.

- d) Any person restoring a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.

ed) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, or missing information, the licensee seeking restoration of his license shall be required to:

- 1) Provide such information as shall be necessary; and/or
- 2) Explain such relevance or sufficiency during an oral interview;

- 3) Appear for an oral interview before the Land Surveyors Examining Board (the "Board"), when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the Director, an applicant shall have his license restored or shall be notified in writing of the reason for the denial of such application for restoration.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1270.50 Renewals

- a) Every license as a Professional Land Surveyor issued under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 ~~of the Act.~~

- b) It is the responsibility of each licensee to notify the Department in writing of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

- c) A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed (Section 18 of the Act).

- d) Every license issued to a professional design firm ~~corporation--or partnership~~ under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a 2 two-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 ~~of the Act.~~

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- e) Practicing or offering to practice on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 27 of the Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1270.52 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

- 1) The fee for application for a license as a professional land surveyor is \$150. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

- 2) The application fee for a license as a land surveyor-in-training is \$70.

- 3) The application fee for a certificate of registration as a professional design firm is \$75.

b) Renewal Fees.

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.

- 2) The fee for renewal of a certificate of registration as a professional design firm is \$75.

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.

- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

- 3) The fee for a certification of a licensee's record for any purpose is \$20.

- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charge by the testing service.

- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

- 6) The fee for a roster of persons licensed as a land surveyor-in-training or professional land surveyor in this State

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1) Heading of the Part: Interior Design Profession Title Act

2) Code Citation: 68 Ill. Adm. Code 1255

3) Section Numbers:
1255.15 Repeal
1255.20 Amendment
1255.30 Amendment
1255.50 Amendment
1255.65 New Section
1255.70 Amendment
1255.80 Amendment
1255.85 New Section

4) Statutory Authority: Interior Design Profession Title Act [225 ILCS 310]

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this proposed rulemaking adds Section 1255.65 to accomplish that change. The Department is repealing Section 1255.15 since the language is obsolete. In Section 1255.30 all interior design programs will be required to include 8 design courses as part of the curriculum. Section 1255.85 has been added setting forth professional conduct standards for registered interior designers and registered residential interior designers. Various technical revisions have also been made.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attn: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax #: 217/782-7645

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shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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All written comments received with 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those offering interior design services.
- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: Interior design skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1255
INTERIOR DESIGN PROFESSION TITLE ACT

Section	Application for Registration Under Section 8(c) of the Act (Grandfather) (Repealed)
1255.10	
1255.15	Application for Registration as a Residential Interior Designer Under Section 8(c-5) of the Act (Grandfather) (Repealed)
1255.20	Application for Registration
1255.30	Approved Programs of Interior Design
1255.40	Full-time Diversified Professional Experience
1255.50	Endorsement
1255.60	Renewal
1255.65	Fees
1255.70	Inactive Status
1255.80	Restoration
1255.85	Professional Conduct Standards
1255.90	Granting Variances

AUTHORITY: Implementing the Interior Design Profession Title Act [225 ILCS 310] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 17411, effective November 19, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 3194, effective February 18, 1992; amended at 19 Ill. Reg. 7614, effective May 26, 1995; amended at 23 Ill. Reg. _____, effective _____.

Section 1255.15 Application for Registration as a Residential Interior Designer Under Section 8(c-5) of the Act (Grandfather) (Repealed)

- a) Any person seeking registration as a residential interior designer without examination under Section 8(c-5) of the Interior Design Profession Title Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall be postmarked no later than midnight September 16, 1995, and shall include the following:
- i) Verification on forms provided by the Department, or documentation of:

- A) At least 5 years of full-time diversified professional experience in residential interior design as defined in Section 3 of the Act and Section 1255.40 of this Part, or
- B) A combination of full-time diversified professional

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a) An applicant for registration as an interior designer or a residential interior designer shall file an application, on forms provided by the Department, which includes the following:

- 1) Certification submitted to the Department from:
 - A) The National Council for Interior Design Qualifications (NCIDQ) indicating the successful completion of the NCIDQ examination for an interior design license;
 - B) The Council for Qualifications of Residential Interior Designers (CQRID) indicating the successful completion of the CQRID examination for a residential interior design license;

2) Proof of Education/Experience

- A) Certification of graduation and official transcripts from a 5 year interior design program as set forth in Section 1255.30 and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
- B) Certification of graduation and official transcripts from an approved 4 year interior design program and at least 2 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
- C) Certification of completion and official transcripts of at least 3 years of interior design curriculum from an approved program and at least 3 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
- D) Certification of graduation and official transcripts from an approved 2 year interior design program and at least 4 years of full-time diversified interior design experience as defined in Section 3(f) of the Act and Section 1250.40 of this Part; or
- E) For a residential interior designer license, certification of a high school diploma or G.E.D. plus 5 years of full-time diversified residential interior design experience;

3) A complete work history; and

4) The fee required by Section 1255.65 of this Part ~~if it is~~ of the Act.

b) An individual who holds an active license as an architect in Illinois pursuant to the Illinois Architecture Practice Act of 1989 [225 ILCS 305] shall be issued a certificate of registration as an interior designer or a residential interior designer without examination as provided in Section 8(d) of the Act upon an application to the Department upon payment of a fee of \$40 \$40.00.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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experience as defined in Section 3 of the Act and Section 1255.40 of this Part and interior design education as set forth in Section 1255.30 to equal 5 years;

- 2) A complete work history;
- 3) The required fee set forth in Section 11(a) of the Act; and
- 4) Certification on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the registration;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) Education shall be from an accredited college or university offering a program in interior design and include the curriculum set forth in Section 1255.30:

- e) Experience shall be documented in one or more of the following ways:
 - 1) Certification of experience on forms provided by the Department;
 - 2) Submission of 3 affidavits from clients, peers or colleagues familiar with the applicant's work;
 - 3) Submission from one of the following professional interior design organizations that the applicant has an active professional status in the organization: American Society of Interior Designers (ASID), the Interior Design Society (IDS), the International Interior Designer Association (IIDA), Institute of Store Planners (ISP), and the Governing Board for Contract Interior Design Standards; the Department, upon recommendation of the Board of Interior Design Professionals (the Board), has determined that 3 years of credit toward education and experience will be granted an applicant who holds professional status in one of these organizations.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking registration shall be requested to:

- 1) provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

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Section 1255.30 Approved Programs of Interior Design

a) The Department shall, upon recommendation of the Board, approve an interior design program if it meets the following minimum criteria:

- 1) The educational institution is/was legally recognized and authorized, through appropriate agencies such as a ministry of education or higher education governing board, by the jurisdiction in which it is located at the time the degree/certificate was obtained to confer any of the degrees/certificates required for registration in accordance with Section 8 of the Act;

- 2) Permanent student records are maintained by the institution which summarize the credentials for admission, attendance, grades and other records of performance;

- 3) The program has a designated director and a sufficient number of instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by degrees in their area(s) of teaching from professional colleges or institutions;

- 4) The curriculum is at least 2 academic years that provides educational experience with practical application encompassing:

- A) Drafting
- B) Two-Dimensional Design
- C) Three-Dimensional Design
- D) Design and Composition Fundamentals
- E) Color Theory
- F) Fundamentals of Residential Design
- G) Fundamentals of Non-Residential Design
- H) Building Systems
- I) Materials
- J) Codes and Ordinances
- K) Presentation Skills
- L) Business Practices and Management
- M) History of Art, Architecture and Design
- N) Computer Aided Drafting and Design
- O) Lighting.

- 5) A 2 year program shall include 8 4 or more of the above courses set forth in subsection (a)(4) above and be a minimum of 40 60 semester hours;

- 6) A 3 year program shall include 8 6 or more of the above courses set forth in subsection (a)(4) above and be a minimum of 90 semester hours;

- 7) A 4 or 5 year program shall include 8 or more of the courses set forth in subsection (a)(4) above and be a minimum of 120 semester hours.

b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Foundation for Interior Design Education Research

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(FIDER).

c) The Department has determined that all interior design programs accredited or approved by FIDER as of July 1, 1995, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1255.50 Endorsement

a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to register as an interior designer or residential interior designer shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Certification of an interior design or residential interior design degree from a program approved by the Department in accordance with Section 1255.30 of this Part;
- 2) Certification of professional experience as set forth in Section 1255.40 of this Part;
- 3) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and any location in which the applicant predominantly practices and is currently licensed/registered, stating:
 - A) The time during which the applicant was licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) Examination(s) taken and examination score(s) received;
- 4) A complete work history; and
- 5) The required fee as set forth in Section 1255.65 ~~11(e)(3)}~~ **of--the Act.**

b) In lieu of subsection (a)(1) and (2), the Department shall accept certification from the National Council for Interior Design Qualification and Council for Residential Interior Designers.

c) The Department may require additional information to determine:

- 1) if the requirements in the state, territory of the United States or foreign country at the time the applicant was licensed/registered were substantially equivalent to the requirements then in effect in Illinois; or
- 2) if the requirements of another state, territory of the United States or foreign country together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application.

d) The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the National Council of Interior Design Qualifications or Council

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for Residential Interior Designers; education, training, and experience, including, but not limited to, whether the applicant has had special honors or awards, has had articles published in professional journals, or has written textbooks relating to interior design; and any other attribute which the Director of the Department accepts as evidence that the applicant has outstanding and proven ability in interior design.

- e) The Department shall either issue registration by endorsement or notify the applicant in writing of the reasons for denying the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1255.65 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a certificate of registration as an interior designer or residential interior designer is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in forfeiture of the examination fee.

- b) Renewal Fees. The fee for the renewal of a certificate of registration shall be calculated at the rate of \$30 per year.

c) General Fees.

- 1) The fee for the restoration of a certificate of registration other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$200.

- 2) The fee for the issuance of a duplicate certificate of registration, for the issuance of a replacement certificate of registration, for a certificate of registration that has been lost or destroyed or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate certificate of registration is issued.

- 3) The fee for a certification of a registrant's record for any purpose is \$20.

- 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.

- 5) The fee for a wall certificate showing registration shall be the actual cost of producing the certificate.

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- 6) The fee for a roster of persons registered as interior designers or residential interior designers in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 1255.70 Inactive Status

- a) Registered interior designers or registered residential interior designers who notify the Department in writing on forms provided by the Department may elect to place their registration on inactive status and shall be excused from the payment of renewal fees until they notify the Department in writing of the desire to resume active status.

- b) Any registered interior designer or registered residential interior designer seeking restoration from inactive status shall do so in accordance with Section 1255.80 ~~1255-90~~ of this Part.

- c) Any person whose registration is on inactive status shall not use the title "interior designer" or "residential interior designer" in the State of Illinois.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1255.80 Restoration

- a) Any interior designer or residential interior designer whose registration has expired or has been placed on inactive status for 5 years or less may have the certificate of registration restored by paying the fees required by Section 1255.65 ~~1157-of-the-Act~~.

- b) Any person seeking restoration of a certificate of registration which has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1255.65 ~~1157-of-the-Act~~. The applicant shall also submit at least one of the following:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of said active practice;

- 2) An affidavit attesting to military service as provided in Section 9 of the Act;

- 3) Proof of passage of the NCIDQ examination for an interior designer license during the period the registration was lapsed or on inactive status; or

- 4) Proof of passage of the QCRID examination for a residential

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interior design license during the period the registration was lapsed or on inactive status.

- c) When the accuracy of any submitted documentation, or the relevance of sufficiency of the course work or experience is questioned by the Department, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant seeking restoration of a registration shall be required to:
- 1) Provide such information as may be necessary; and/or
 - 2) Explain such relevance or sufficiency during an oral interview; or
 - 3) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act.
 - d) Upon the recommendation of the Board, and approval by the Director, an applicant shall have his/her registration restored or be notified in writing of the reason for denying the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1255.85 Professional Conduct Standards

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of interior design, the following Standards of Professional Conduct shall be binding on every person holding a certificate of registration as a registered interior designer or registered residential interior designer ("registrant"). Based upon a finding that a registrant has not complied with or violated the standards set forth in this Section, the Department, pursuant to Section 13 of the Act, may suspend or revoke a certificate of registration, refuse to issue or renew a certificate of registration or take other disciplinary action for improper, unprofessional or dishonorable conduct.

- a) Responsibility to the Public
 - 1) In performing professional services, a registrant shall exercise reasonable care and competence, and shall take into account all applicable laws, regulations and codes.
 - 2) In performing professional services, a registrant shall at all times consider health, safety, and the welfare of the public. Registrants, whenever possible, shall notify property managers, landlords, and/or public health officials of conditions within a built environment that endanger the health, safety and/or welfare of occupants.
 - 3) In performing professional services, a registrant shall not knowingly violate the law, nor counsel or assist a client in conduct the registrant knows, or reasonably should know, is illegal.
 - 4) A registrant shall not permit his/her name, signature, or stamp to be used in conjunction with a design or project for which

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interior design services are not to be, or were not, performed by the registrant or under his/her responsible direction.

- 5) A registrant shall not engage in any form of false or misleading advertising or promotional activities and shall not imply, through advertising or other means, that staff members or employees of his/her firm are registered interior designers or registered residential interior designers unless the staff members or employees are in fact registered.
- 6) A registrant shall not make misleading, deceptive or false statements or claims about his/her professional qualifications, experience, or performance.
- 7) A registrant shall not, by affirmative act or failure to act, engage in any conduct involving fraud, deceit, misrepresentation or dishonesty in professional or business activity.
- 8) In the conduct of his or her professional activities, a registrant shall not discriminate on the basis of race, religion, gender, national origin, age, nondisqualifying handicap, or sexual orientation.
- 9) In performing professional services, a registrant shall refuse to consent to any decision by his/her client or employer that violates any applicable law or regulation and that, in the registrant's judgement, will create a significant risk to public health or safety.
- 10) A registrant shall neither offer nor make any payment or gifts to any public official, nor take any action, with the intent of unduly influencing the official's judgement in connection with an existing or prospective project in which the registrant is interested.
- 11) In performing professional services, a registrant shall not provide services that are beyond the scope of his/her profession as defined within the Act.
 - b) Responsibility to the Client
 - 1) A registrant shall undertake to perform professional services only when he/she, together with his/her consultants, is qualified by education, training or experience to perform the services required.
 - 2) Before accepting the assignment, a registrant shall reasonably inform the client of the scope and nature of the project involved, the interior design services to be performed, and the method of remuneration for those services. A registrant shall not materially change the scope of a project without the client's consent.
 - 3) A registrant shall disclose, in writing, to his/her employers and clients prior to the engagement, any direct or indirect financial interest that he/she may have that could affect his/her impartiality in specifying project-related goods or services, and shall not knowingly assume or accept any position in which his/her personal interests conflict with his/her professional

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duty. If the employer or client objects to that financial or other interest, the registrant shall either terminate that interest or withdraw from that engagement.

- 4) A registrant shall not reveal any information about a client, a client's intentions, or a client's production methods that he/she has been asked to maintain in confidence, or that he/she should reasonably recognize as likely, if disclosed, to affect the interests of his/her client adversely. Notwithstanding the above, however, a registrant may reveal such information to the extent he/she reasonably believes is necessary to:
 - A) stop any act that creates a significant risk to public health and safety and that the registrant is unable to prevent in any other manner; or
 - B) prevent any violation of applicable law or this Section.

- 5) A registrant shall be candid and truthful in all his/her professional communications.

- 6) A registrant shall act with fiscal responsibility in the best interest of his/her clients and shall maintain sound business relationships with suppliers, industry and trades to insure the best service possible to the public.

- 7) A registrant shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products unless compensation has been disclosed in writing to the client.

c) Responsibility to Other Registrants and Colleagues

- 1) A registrant shall pursue his/her professional activities with honesty, integrity and fairness, and with respect for another interior designer's or colleague's contractual and professional relationships.

- 2) A registrant shall not initiate or participate in any discussion or activity that might result in an unjust injury to another interior designer's or colleague's reputation or business relationships.

- 3) A registrant shall not accept instruction from his/her clients that knowingly involves plagiarism, nor shall he/she consciously plagiarize another's work.

- 4) A registrant shall not endorse the application for registration of an individual known to be unqualified with respect to education, training, experience, professional expertise, or moral character of the individual.

- 5) A registrant shall only take credit for work that has actually been created by that registrant or the registrant's firm and under the registrant's direction.

- 6) A registrant shall not interfere with the performance of another interior designer's contractual or professional relationship with a client.

- 7) A registrant may, when requested and it does not present a conflict of interest, render a second opinion to a client, or

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serve as an expert witness in a judicial or arbitration proceeding.

- 8) A registrant should respect the confidentiality of sensitive information obtained in the course of his/her professional activities.

d) Responsibility to the Profession

- 1) A registrant agrees to maintain standards of professional and personal conduct that will reflect in a responsible manner on the profession.

- 2) A registrant shall seek to continually upgrade his/her professional knowledge and competency with respect to the interior design profession.

- 3) A registrant agrees, whenever possible, to encourage and contribute to the sharing of knowledge and information between registrants and other allied professional disciplines, industry, and the public.

- 4) A registrant shall not knowingly make false statements or fail to disclose any material fact requested in connection with his/her application for registration or renewal of the registration.

e) Responsibility to the Employer

- 1) A registrant leaving an employer's service shall not take drawings, designs, data, reports, notes, client lists, or other materials relating to work performed in the employer's service except with permission of the employer.

- 2) A registrant shall not unreasonably withhold permission from departing employees to take copies of material relating to their work while an employee of the registrant's firm that are not proprietary and confidential in nature.

- 3) A registrant shall not divulge any confidential information obtained during the course of his/her employment about the client or the client's project or utilize photographs or specifications of the project, without the express permission of both client and employer.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Practice Act of 1987

- 2) Code Citation: 68 Ill. Adm. Code 1285

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1285.20	Amendment
1285.30	Amendment
1285.40	Amendment
1285.50	Amendment
1285.60	Amendment
1285.70	Amendment
1285.80	Amendment
1285.90	Amendment
1285.100	Amendment
1285.101	Amendment
1285.105	Repeal
1285.110	Amendment
1285.120	Amendment
1285.130	Amendment
1285.140	Amendment

- 4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60]

5) A Complete Description of the Subjects and Issues Involved: Section 9.7 of the Medical Practice Act (Public Act 90-722) directs the Department to perform a criminal background check on endorsement applicants; Section 1285.80 implements this provision. Section 1285.60 requires chiropractic applicants after January 1, 2001 to pass Part IV of the National Boards. Section 1285.101 increases the length of a Visiting Physician Permit from 120 to 180 days. Section 1285.105, providing chiropractic physician preceptorships, is repealed pursuant to Public Act 89-702. Section 1285.110 changed the continuing education requirement from 50 hours per year to 150 hours per renewal cycle, as provided by Public Act 90-742. Various technical revisions have also been made.

- 6) Will these proposed amendments replace emergency rules currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

- 11) Time, Place and Manner in which interested persons may comment on this

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- proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation

Attention: Jean A. Courtney

320 West Washington, 3rd Floor

Springfield IL 62786

217/785-0813; Fax: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing medical services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Medical or chiropractic skills are required for licensure.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
 AND RESTORATION PROCEDURE

Section	
1285.20	Six 6 Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Training Programs
1285.50	Application for Examination
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
1285.95	Clinical Skills Standards for Applicants Having Graduated More Than Five (5) Years Prior to Application
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (<u>Repealed</u>)
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Restoration and Inactive Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section	
1285.200	Medical Disciplinary Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure
1285.220	Informal Conferences
1285.225	Consent Orders
1285.230	Summary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records

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1285.270 Inspection of Physical Premises
 1285.275 Failing to Furnish Information

SUBPART C: GENERAL INFORMATION

Section	
1285.310	Public Access to Records and Meetings
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: MEDICAL LICENSING, RENEWAL AND RESTORATION PROCEDURE

Section 1285.20 Six ~~6~~ Year Post-Secondary Programs of Medical Education

The standards for the ~~six-~~ ~~6~~ year post-secondary program of medical or osteopathic ~~medical~~ education described in Section 11(A)(2)(a)(i) of the Medical Practice Act of 1987 ~~shall~~ ~~Rev---~~ ~~Stat---~~ ~~1991---~~ ~~ch---~~ ~~---1117---~~ ~~par---~~ ~~4400-i through-4400-63~~ [225 ILCS 60] (the Act) are:

- a) At least ~~two-~~ ~~2~~ academic years of a course of instruction in a college, university or other institution.
- b) At least ~~two-~~ ~~2~~ academic years of study in the basic medical sciences which shall include formal instruction in at least the following subjects:
 - 1) anatomy;
 - 2) biochemistry;
 - 3) physiology;
 - 4) microbiology and immunology;
 - 5) pathology;
 - 6) pharmacology and therapeutics; and
 - 7) preventive medicine.
- c) The required basic science courses stated in subsection (b) must be

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taken and completed as part of a program of medical education taught at a medical school and shall not be accepted or co-validated from courses completed as a student in a secondary school, community college, or college of liberal arts and sciences at which degrees are earned prior to the commencement of the medical education program.

- d) At least ~~two--~~ 2) academic years of study in the clinical sciences, while enrolled in the medical college which conferred the degree, which shall include at least the following required core clerkship rotations:

- 1) internal medicine;
- 2) obstetrics and gynecology;
- 3) pediatrics;
- 4) psychiatry; and
- 5) surgery.

- e) The core clerkship rotations must have been taken and completed in clinical teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree or under contract in teaching facilities owned, operated or formally affiliated with another medical college which is officially recognized by the jurisdiction in which the medical school which conferred the degree is located.

- f) Each applicant for licensure who completed rotations in an affiliated teaching facility must submit a copy of each affiliation agreement between the medical college which conferred the degree and each clinical teaching facility in which a core clerkship rotation was completed. The affiliation agreement(s) to be considered valid pursuant to Section 11(A)(2)(a)(i) of the Act must:

- 1) be in writing;
 - 2) be dated;
 - 3) be fully executed by the administrator of the clinical teaching facility and the Dean of medical college;
 - 4) clearly define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical teaching facility and the medical college; and
 - 5) be substantiated by submission of an evaluation form completed by the supervising physician for each core clerkship rotation.
- g) If a written affiliation agreement does not exist, the Department of Professional Regulation (the Department) shall accept, in lieu of such agreement, an affidavit signed by the current Dean of the medical college and an affidavit signed by the current medical director of the facility or director of medical education or program director administrator of the clinical teaching facility which verifies the following:

- 1) that a verbal affiliation agreement existed between the clinical teaching facility and the medical college at the time the core clerkship rotation was completed;
- 2) that the applicant was authorized to complete such core clerkship

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rotation;

- 3) that the core clerkship rotation was completed satisfactorily. The affidavits shall be substantiated by submission of the evaluation form completed by the supervising physician for each core clerkship rotation.

- h) For the purposes of this Section, "academic year" shall be defined as a minimum period of ~~nine--~~ 9) months which includes no less than 25 clock hours per week of basic sciences as set forth in subsection (b) above and no less than 40 clock hours per week of clinical sciences as set forth in subsection (d) above.

- i) Each clerkship shall be at least ~~four--~~ 4) weeks in length, shall consist of hands-on experience with patients which is planned, managed and supervised by faculty of the medical school conferring the degree, and be performed in accordance with all requirements of the jurisdiction in which it is completed. The ~~4~~ four week psychiatry core clerkship rotation may be completed as follows: 2 ~~two~~ weeks must be obtained formally and distinctly in psychiatry and the other two week requirement may be included in other clinical rotations as verified by the applicant's affidavit.

- j) Clinical teaching facilities are defined as those which meet or exceed the requirements of Section 1285.40 or which are part of a residency program accredited by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), or the College of Family Physicians of Canada, the Royal College of Physicians and Surgeons of Canada or the Federation of Medical Licensing Authorities of Canada ~~Accreditation--Council-on-Canadian~~ Graduate-Medical-Education--(ACGME).

- k) In addition, if the applicant is a graduate of a medical college outside of the United States or Canada, he/she must hold a current certification, at the time of application for licensure/ examination, from ~~successfully complete an examination conducted by the Educational Commission for Foreign Medical Graduates (ECFMG) or either the ECFMG or the Visa-Qualifying Examination (VQE) or Foreign Medical Graduates Examination in the Medical Sciences (FMGS), or another comprehensive examination--determined--by--the--Department--to--be--substantially equivalent.~~

- l) When the accuracy of any submitted documentation, or the relevance or sufficiency of the coursework or core clerkship rotations is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant shall be requested to:

- 1) provide such information as may be necessary; and/or
- 2) appear for an oral interview before the Medical Licensing Board (the Board) to explain such relevance or sufficiency or otherwise clear up any discrepancies or conflicts in information.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 1285.30 Programs of Chiropractic Education

a) A program of chiropractic education shall be deemed approved in the judgment of the Department if it meets the following requirements:

- 1) a Dean or other Executive Officer, employed on a full-time basis supervises the students and curriculum.
- 2) the faculty is comprised of graduates in their specialty from legally recognized and authorized professional colleges or institutions by the jurisdiction in which it is located.
- 3) the faculty is organized and each department has a director and professors, each responsible to the director for his instruction in the particular subjects he teaches.
- 4) annually, a catalogue or brochure is published setting forth the requisites for admission to the college, tuition, rates, courses offered, dates of sessions, schedule of classes, requirements for graduation, a roster of the undergraduate students and a roster of the last graduating class. The catalogue or brochure shall contain a list of the departments of the school, the titles of the personnel and a brief summary of each person's qualifications. The curriculum shall include, but not be limited to, ~~4~~ **four** academic years' instruction in the following subjects:

- A) Anatomy
 - i) Embryology
 - ii) Histology
 - iii) Neuro-anatomy
- B) Physiology and Chemistry
- C) Pathology and Bacteriology
- D) Diagnosis
 - i) Physical
 - ii) Differential
 - iii) Laboratory

5) buildings provided with laboratories equipped for instruction in anatomy, chemistry, physiology, bacteriology and other areas of learning necessary to the due course of study prescribed by this Part; and that a laboratory equipped with supplies, models, manikins, charts, stereopticon, roentgen-ray and other special apparatus used in teaching the system to treat human ailments without the use of medicine and operative surgery, be provided.

6) a library, accessible to students is maintained, with a librarian in constant attendance. The library shall contain a standard medical dictionary, texts and reference books, and the files of professional periodicals.

7) the college or institution requires all students to furnish, before matriculation, satisfactory proof of the preliminary education required by the Act.

8) full and complete records are kept showing the credentials for admission, attendance, grades and financial accounts of each student.

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- 9) admission of transfer students will be limited to honorably dismissed students from another approved college or institution teaching the same system. The transcript of record obtained directly from the transferring school shall be kept on file. It shall be the duty of a college or institution to furnish such a transcript for the benefit of each student subject to honorable dismissal. No credit shall be given a transferred student for final or "senior year" work or for any courses taken by correspondence.
- 10) students shall start class attendance within one week of the start of each session. That credit for completion of a course will not be granted a student who failed to attend 80% of the complete session of the course.

b) Applicants seeking licensure who have received a chiropractic degree from a college that is not fully accredited in accordance with Section 11(B) of the Act and who are seeking licensure based on a second, duplicate or similar degree must pay the required fee and provide an official transcript specified in Section 21 of the Act to the Department showing:

- 1) completion of a least ~~two~~ **two-½** additional academic years of study in the clinical sciences of not less than 960 clock hours per academic year in a fully accredited college during the time of additional study; and
- 2) the hours of clinical practice retaken to fulfill the chiropractic degree requirements. No credit will be given for prior credits in clinical practice.

c) All chiropractic colleges fully accredited by the Commission on Accreditation ~~accreditation~~ of the Council of Chiropractic Education or its successor at the time of graduation shall be deemed to have met the minimum standards.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.40 Approved Postgraduate Clinical Training Programs

a) A hospital shall, in the judgment of the Department, be deemed approved for the post-graduate clinical training ("clinical training") required for licensure if it meets the following standards:

- 1) Contains at least the departments of internal medicine, surgery, obstetrics and pediatrics; and has an organized departmentalized staff, holding meetings monthly for case reviews and study.
- 2) Laboratory employing a full-time technician and at least a part-time pathologist legally empowered to perform laboratory services, visiting the laboratory at least ~~two~~ **two-½** days per week.
- 3) Radiological department employing an X-ray technician and at least a part-time roentgenologist legally empowered to perform

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radiology services, visiting the department at least ~~two~~ 2 1/2 days per week.

- 4) Maintenance of an up-to-date medical library available to residents.

b) The hospital shall, upon request, provide the Department with the names of staff members of the various departments of the hospital.

c) The hospital shall certify, on forms provided by the Department, to the satisfactory completion of not less than ~~twelve~~ 12 months of clinical training as required by Section 11(A)(1) of the Act or ~~twenty-four~~ 24 months of clinical training as required by Section 11(A)(2) and (3). Such certification shall identify the commencement date and the concluding date of the training.

d) The Department, upon the recommendation of the Medical Licensing Board, has determined that all clinical training programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, and the College of Family Physicians of Canada, the Royal College of Physicians and Surgeons of Canada and the Federation of Medical Licensing Authorities of Canada Accreditation Council on Canadian Graduate Medical Education as of January 1, 1999 1988, meet the minimum criteria set forth in this Section and are, therefore, approved, except as provided in subsection (e) below.

e) In the event of a decision by any of the above accrediting bodies in subsection (d) to suspend, withdraw or revoke accreditation of any clinical training program accredited as of ~~January 1, 1998~~, the Board shall proceed to evaluate the program and either approve or disapprove the program pursuant to the minimum criteria set out in subsection (a) above.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.50 Application for Examination

a) An applicant for licensure to practice medicine in all of its branches must make application to the Department or its designated testing service on forms furnished by the Department ~~at least 90 days prior to such examination.~~

b) Each applicant to take the examination for a license to practice medicine in all of its branches shall submit to the Department:

1) A fully completed application, signed by the applicant, on which all questions have been answered and all programs of medical education attended by the applicant have been identified;

2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activity which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged

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in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree;

5) Individuals applying under Section 11(A)(2)(a)(i) shall also submit certification, on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification ~~passage of the examination~~ set forth in Section 1285.20(k);

6) Proof of successful completion of the United States Medical Licensing Examination (USMLE) Step 1 and 2 in accordance with Section 1285.60 or combination of examinations set forth in Section 1285.60(a)(4). Examination scores shall be submitted directly to the Department from the testing entity;

7) A complete work history since graduation from medical school;

8) Fees as required by Section 21 of the Act;

9) Proof of satisfactory completion of an approved clinical training program in accordance with Section 1285.40;

10) Documentation of clinical skills as set forth in Section 1285.95 of this Part and Section 11(A)(2)(A)(i) of the Act from those applicants who graduated from medical school more than five years prior to the date of application;

11) A certification from the jurisdiction of original licensure and current licensure stating:

A) The date of issuance and status of the license; and

B) ~~The basis of licensure and a description of the examination by which the applicant was licensed, if any;~~

C) ~~Name and location of the college, university or other institution from which the applicant received medical education; type of degree and date degree was conferred; and whether the records of the licensing authority contain any record of disciplinary action taken or pending.~~

D) Examination prior to Completion of Clinical Training

1) A candidate may apply for the examination and take the examination given prior to completion of the clinical training required by the Act, provided the applicant:

A) is registered in an approved program of clinical training and on whose behalf a temporary license by the Department has been issued pursuant to the provisions of Section 17--of the Act;

B) satisfies all of the requirements to take the examination

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for licensure to practice medicine in all of its branches, except completion of an approved program of clinical training; and

E) ~~furnishes a statement from hospital authorities certifying that the applicant who is applying to sit for the USMLE Step III has completed at least twelve (12) calendar months of the approved program of clinical training, and performance in the training is satisfactory to date.~~

BB) furnishes a statement from hospital authorities certifying that the applicant who is applying to sit for the USMLE Step III has completed at least ~~twelve (12)~~ calendar months of the approved program of clinical training, and performance in the training is satisfactory to date.

2) The results of the examination shall be made available to the applicant but no license shall be issued until the Department receives proof of the applicant's satisfactory completion of the required approved clinical training program.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.60 Examinations

a) Examinations for licensure to practice medicine in all of its branches:

1) Examinations conducted by the Department or its designated testing service for licensure to practice medicine in all of its branches shall be conducted in the English language and shall, prior to December 31, 1993, consist of:

A) The Federation Licensing Examination - FLEX Component 1 - an examination placing emphasis on basic and clinical science principles and mechanisms underlying high-impact diseases and problems encountered in an in-patient, supervised setting, during the delivery of health care; and

B) The Federation Licensing Examination - FLEX Component 2 - emphasis on issues related to the general delivery of health care to patients in an ambulatory setting encountered in an independent practice.

2) For those applicants who have passed FLEX Component 2 but have not successfully completed FLEX Component 1 prior to 1994, the Department shall administer FLEX Component 1 twice in 1994. Any applicant who does not successfully complete FLEX Component 1 during 1994 shall be required to successfully complete USMLE Step 1 and Step 2 in accordance with this Section.

3) Beginning January 1, 1994, the examinations for licensure to practice medicine in all of its branches shall be Steps 1, 2 and 3 of the United State Medical Licensing Examination (USMLE)--a

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joint program of the Federation of State Medical Boards of the U.S. Inc. and the National Board of Medical Examiners.

A) USMLE Step 1 and Step 2 will be administered by the National Board of Medical Examiners and the Education Commission for Foreign Medical Graduates (ECFMG).

B) USMLE Step 3 will be administered by the Department or its designated testing service. Examinees shall successfully complete Step 1 and Step 2 before applying to the Department to take Step 3 of the examination.

4) The Department will accept the following combinations of examinations completed prior to January 1, 2000:

A) FLEX Component 1 taken prior to January 1, 1995, and FLEX Component 2 taken prior to January 1, 1994;

B) FLEX Component 1 plus USMLE Step 3;

C) National Board of Medical Examiners (NBME) Part 1 or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus FLEX Component 2; or

D) NBME Part I or USMLE Step 1 plus NBME Part II or USMLE Step 2 plus NBME Part III or USMLE Step 3.

5) The passing score on all Components, Parts or Steps of the examinations set forth in subsections subsection (a)(2), (3) and (4) above shall be a minimum of 75 or the passing score set by the authorized testing entity.

6) In the case of failure on the examination, examinees shall be required to retake only that Component, Part or Step of the examination on which they did not achieve a passing score of--at least--75.

7) In the event all USMLE Steps are not successfully completed within seven (7) years after of passing the first step taken, either Step 1 or Step 2, credit for any Step passed shall be forfeited.

8) Any applicant for licensure to practice medicine in all of its branches who has been unsuccessful in 5 examinations (any Component, Part or Step of the examinations accepted by the Department as set forth in subsection (a)(4) above), conducted in this State or any other jurisdiction shall be deemed ineligible for further examination until the Department is in receipt of proof that the applicant has completed, subsequent to his/her fifth failure:

A) a course of clinical training of not less than 12 months in an accredited clinical training program in the United States or Canada in accordance with Section 1285.40; or

B) a course of study of ~~nine (9)~~ months in length (one academic year) which includes no less than 25 clock hours per week of basic sciences as set forth in Section 1285.20(b) of this Part and no less than 40 clock hours per week of clinical sciences as set forth in Section 1285.20(d) of this Part; or

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- C) any other formal professional study or training in an accredited medical college or hospital, deemed by the Department to meet the requirements of subsection (a)(8) (A) or (B) above.
- 9) Failure to appear for any Component, Part or Step of the examination for which the applicant has been scheduled shall be considered a failure of the examination.
- b) Examinations for licensure to practice chiropractic.
- 1) Examinations for licensure to practice chiropractic shall be conducted in the English language and shall consist of the examination administered by the National Board of Chiropractic Examiners and shall consist of Part I, Part II and Part III. Applicants applying after January 1, 2001, will also be required to pass Part IV of the examination administered by National Board of Chiropractic Examiners.
 - 2) To be successful, examinees must receive a score of at least 75 on all 3 ~~three~~ parts of the examination.
 - 3) Any applicant for licensure as a chiropractic physician who has been unsuccessful in 5 examinations conducted in this State or any other jurisdiction shall be deemed ineligible for further examination until the Department is in receipt of proof (i.e., certificate of completion of training, transcript) that the applicant has completed, subsequent to his/her fifth failure, a course of study of 960 classroom hours (one academic year) in an accredited chiropractic program or any other equivalent formal professional study or training in an accredited chiropractic program as approved by the Department.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.70 Application for a License on the Basis of Examination

- a) Each applicant for a license to practice medicine in all of its branches on the basis of examination must submit to the Department:
 - 1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;
 - 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board

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- as provided in Section 9(B)(4) of the Act;
- 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
 - 4) A complete work history since graduation from medical school;
 - 5) Fee as required by Section 21 of the Act;
 - 6) An official transcript and diploma or an official transcript and certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum medical education requirements of the Act;
 - 7) Certification on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECFMG certification as ~~successful completion of the examination set forth in Section 1285.20(k) for those applicants who are applying under Section 11(A)(2)(a) of the Act;~~
 - 8) Proof of satisfactory completion of an approved program of clinical training in accordance with Section 1285.40;
 - 9) ~~Proof on forms provided by the Department of the successful completion of the examination set forth in Section 1285.60. Scores shall be submitted to the Department directly from the testing entity;~~
 - 10) A certification from the jurisdiction of original licensure and current licensure stating:
 - A) The date of issuance of the license; and
 - B) ~~The basis of licensure and a description of the examination by which the applicant was licensed, if any;~~
 - C) ~~Name and location of the college, university or other institution from which the applicant received medical education, type of degree and date degree was conferred;~~
 - BB) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
 - 11) Documentation of clinical skills, as set forth in Section 1285.95 of this Part and Section 11(A)(2)(a)(i) of the Act, for applicants who graduated from medical school more than 5 years prior to application;
 - 12) Proof of waiver.
 - A) The provisions of subsection (a)(9) above shall be waived for a candidate for licensure to practice medicine in all of its branches who makes application satisfactory to the Department under Section 9 of the Act who submits proof of the successful completion of:
 - i) the National Board of Medical Examiners examination subsequent to January 1, 1964; or
 - ii) the National Board of Examiners for Osteopathic Physicians and Surgeons examination subsequent to June 1, 1973; or
 - iii) the Federation Licensing Examination (FLEX) in another

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- state obtaining a FLEX weighted average of 75 or more subsequent to June 1, 1968; or
- iv) the Licentiate of the Medical Council of Canada examination (LMCC) subsequent to May 1, 1970; or
- v) The Federation Licensing Examination (FLEX) in another state obtaining a score of 75 or more in each Component in accordance with Section 1285.60 of this Part, or
- vi) ~~the--USMBE--Steps--17--2--and 3--taken--in--another--state--obtaining--a--score--of--75--or--more--on--each--Step--in--accordance--with--Section--1285.60--of--this--Part;--or~~
- vii) ~~Any--combinations--of--the--FLEX;--NBMB--or--USMBE--examinations--as--set--forth--in--and--in--accordance--with--Section--1285.60(a)(4)--of--this--Part--on--which--a--score--of--75--or--more--has--been--obtained.~~

B) Verification of the successful completion of the above described examinations shall show the scores achieved by the applicant on the examination. Scores shall be submitted to the Department directly from the testing entity, with certificate-number(s) and where and when the applicant took the examination.

b) Each applicant for a license to practice as a chiropractic physician must submit to the Department:

- 1) A fully completed application signed by the applicant, on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;
- 2) An official transcript of a course of instruction, prerequisite to professional training in a college, university or other institution from which the applicant received chiropractic education;
- 3) An official transcript and copy of diploma or official transcript and certification of graduation from the education program granting the professional degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of Section 11 of the Act;
- 4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 5) A complete work history, since graduation from chiropractic school;
- 6) Fee as required by Section 21 of the Act;

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- 7) Proof of successful completion of Part I, Part II, and Part III and Part IV of the examination pursuant to Section 1285.60(b) forwarded directly to the Department from the National Board of Chiropractic Examiners; and
- 8) Certification from the jurisdiction of original licensure and current licensure stating:
- A) The date of issuance of the license; and
 - B) ~~The basis of licensure and a description of the examination by which the applicant was licensed, if any; the name and location of the college, university, or other institution from which the applicant received chiropractic education; type of degree and date degree was conferred; whether the records of the licensing authority contain any record of disciplinary action taken or pending.~~

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.80 Licensure by Endorsement

a) Each applicant currently licensed in another jurisdiction who applies to the Department for a license to practice medicine in all of its branches on the basis of endorsement must cause to be submitted to the Department:

- 1) A signed application, on which all questions have been answered and all programs of medical education attended by the applicant have been identified, including dates of attendance;
- 2) Proof that the applicant is of good moral character. Proof shall be an indication on the application that the applicant has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;
- 3) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;
- 4) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum medical education requirements of the Act;
- 5) Certification on forms provided by the Department, that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and proof of current ECMG certification as ~~passage of the examination~~ set forth in Section 1285.20(k) for

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those applicants who are applying under Section 11(A)(2)(a)(i) of the Act;

6) An original, notarized English translation for any document submitted to the Department in a foreign language;

7) Proof of postgraduate clinical training in the United States or Canada;

8) Certification from the jurisdiction of original and current licensure stating:

A) The date of issuance of the license; and
B) ~~The basis of licensure and a description of the examination by which the applicant was licensed, if any;~~

C) ~~Name and location of the college, university, or other institution from which the applicant received the medical education; type of degree and date degree was conferred; and~~

BB) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

9) A complete work history since graduation from medical school;

10) The fee required by Section 21 of the Act.

b) In addition to submitting the application required in subsection (a) above, each applicant for licensure to practice medicine in all of its branches pursuant to the provisions of Section 19 upon the basis of having passed a National Board of Medical Examiners Examination prior to January 1, 1964, or having passed a National Board of Examiners for Osteopathic Physicians and Surgeons Examination before June 1, 1973, or having passed the Licentiate of the Medical Council of Canada (LMCC) before May 1, 1970, or having passed the Federation Licensing Examination (FLEX) prior to June 1, 1968, or a State Constructed Examination, shall, subject as hereinafter provided, pass an examination conducted by the Department or its designated testing service to test the clinical competence of the applicant (clinical test). The Department upon recommendation of the Medical Licensing Board has determined that the examination conducted under this Section shall be Component 2 of the FLEX prior to December 31, 1993, USMLE Step 3 after January 1, 1994 or the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Special Purpose Examination for the United States of America (COMSPEX-USA) as determined by the Board.

1) To be successful in the Component 2 of the FLEX, USMLE Step 3, or the SPEX or COMSPEX-USA, applicants must receive a minimum score of 75 or the passing score set by the authorized testing entity better. In the case of failure on three (3) attempts of the Component 2 examination, USMLE Step 3, or SPEX or COMSPEX-USA, or any combination thereof, the application for licensure on the basis of endorsement shall be denied. Such individuals may thereafter submit an application for licensure on the basis of examination and, if qualified, take the entire examination referenced in Section 1285.60(a)(1), (2) and (3) of this Part in accordance with the manner described therein.

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2) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have been satisfied, make a recommendation to the Director of the Department of Professional Regulation (Director) for the waiver of the clinical examination requirement herein provided with respect to any such applicant for a license to practice medicine in all of its branches after full consideration of the quality of his/her medical education and clinical training or practical experience, including, but not limited to, whether the applicant is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in medicine and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in any branch of medicine.

c) Each applicant currently licensed in another jurisdiction who applies to the Department for a license in Illinois as a chiropractic physician by endorsement must cause to be sent to the Department:

1) A signed application on which all questions have been answered and all programs of chiropractic education attended by the applicant have been identified, including dates of attendance;

2) An official transcript of the courses of instruction prerequisite to professional training in a college, university or other institution;

3) An official transcript and copy of diploma or official transcript and certification of graduation from the medical education program granting the degree; the transcript shall indicate that the applicant has met the minimum chiropractic education requirements of the Act;

4) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board as provided in Section 9(B)(4) of the Act;

5) Successful completion of Part I, Part II and Part III of the examination administered by the National Board of Chiropractic Examiners. Applicants originally licensed after January 1, 2001, will also be required to submit proof of passage of Part IV of the examination administered by the National Board of Chiropractic Examiners.

A) The Medical Licensing Board may, in its discretion and in individual cases where the applicable conditions of Section 19 of the Act have not been satisfied, make a recommendation

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to the Director to require an applicant to successfully complete the Special Purposes Exam for Chiropractors (SPEC) or Part III of the examination administered by the National Board of Chiropractic Examiners;

- B) The Medical Licensing Board may recommend a waiver of Part III of the examination or the SPEC requirement. In making the recommendation, the Licensing Board shall consider the quality of the chiropractic education and practical experience, including, but not limited to, whether he/she is Board Certified in a specialty, has achieved special honors or awards, has had articles published in recognized and reputable journals, has written or participated in the writing of textbooks in chiropractic and any other circumstance or attribute which the Medical Licensing Board accepts as evidence that the applicant has outstanding and proven ability in chiropractic;

- 6) Certification from the jurisdiction of original and current licensure stating:

- A) The date of issuance of the license; and
 B) ~~the basis of licensure and a description of the examination by which the applicant was licensed, if any;~~
 C) ~~Name and location of the college, university, or other institution from which the applicant received his/her chiropractic education, type of degree and date degree was conferred; and~~

- BB) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;

- 7) A complete work history since graduation from chiropractic school; and

- 8) The fee required by Section 21 of the Act.

- d) Pursuant to Section 9.7 of the Act, the Department shall check the criminal background of each endorsement applicant through the Federation of State Medical Boards.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.90 Temporary Licenses

- a) To allow for timely processing, an application for a Temporary License to pursue specialty/residency training shall be filed, on forms provided by the Department, at least 60 days prior to the commencement date of the training.

- b) No application shall be considered complete unless it is signed by the applicant, all questions have been answered and it contains or is accompanied by:

- 1) Proof that the applicant is of good moral character and has not engaged in any conduct or activities which would constitute

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grounds for discipline under Section 22 of the Act. Applications of individuals who answer affirmatively to any question on the Personal History portion of the application or who have engaged in activities which would constitute grounds for discipline shall be forwarded to the Enforcement Division of the Department for further investigation and action by the Medical Licensing Board;

2) An official transcript of a course of instruction in a college, university or other institution as required by Section 1285.20(a) of this Part;

- 3) An official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree which shall evidence that the applicant has met the minimum education requirements of the Act;

- 4) Certification on forms provided by the Department that the core clerkship rotations were completed in accordance with Section 1285.20 of this Part and current ECFMG certification as set forth in Section 1285.20(k) for those applicants applying under Section 11(A)(2)(a)(i) of the Act;

- 5) Proof that the applicant will be accepted or appointed to a position in a specialty/residency program which is approved by the Department, pursuant to the provisions of Section 1285.40 and the number of postgraduate years for which he has been accepted or appointed;

- 6) A statement identifying all medical education programs attended, including dates of attendance;

- 7) An original notarized English translation for any document submitted to the Department in a foreign language;

- 8) A complete work history since graduation from medical school;

- 9) The fee required by Section 21 of the Act;

- 10) Certification from the jurisdictions of original licensure and current licensure stating:

- A) The date of issuance of the license; and

- B) ~~the basis of licensure and a description of the examination by which the applicant was licensed, if any;~~

- C) ~~Name and location of the college, university, or other institution from which the applicant received medical education, type of degree and date degree was conferred; and~~
 BB) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;

- 11) Documentation of clinical skills as set forth in Section 1285.95 of this Part and Section 11(A)(2)(a)(i) of the Act for applicants who graduated from medical school more than 5 years prior to the date of application.

- c) Written notice of the Department's final action on every application for a temporary license shall be given to the applicant and hospital designated therein. If such application is approved pursuant to Section 17 of the Act and this Section, the temporary license shall be delivered or mailed to the hospital and shall be kept in the care and

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custody of such hospital. Any person not licensed to practice medicine in all of its branches in the State of Illinois who is enrolled in a clinical training program shall have had a Temporary License issued on his/her behalf to an approved program of training prior to the commencement of the training.

d) Commencement of the specialty/residency training program prior to the issuance of a temporary license shall be construed as the unlicensed practice of medicine.

e) A Temporary License shall be issued for a maximum of three years as provided in this Section. In no event shall a Temporary License be issued for less than one year except as provided in subsection (i) below or for any purpose other than a post-graduate specialty/residency program required for licensure under the Act.

f) No more than one Temporary License shall be issued to any person for the same period of time.

g) When a resident is dismissed or otherwise terminates the specialty/residency program, it shall be the responsibility of the staff of the program to notify the Department immediately, return the Temporary License to the Department and submit a written explanation to the Department indicating why the resident was dismissed or terminated. If the Temporary License has been lost or destroyed, the staff of the program shall submit a written explanation to the Department.

h) A Temporary License may be transferred from one program to another only upon the return of the Temporary License and receipt by the Department of a new application which contains a work history and a certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position in an approved program. Requests for transfers shall be filed with the Department at least 60 days prior to the commencement date of the new program.

i) The Department shall allow a 14-day extension of the temporary license beyond the 3-year period without filing an extension application. In order to extend beyond the 14-day period, a new application shall be filed with the Department which contains:

- 1) a certificate of acceptance indicating that the resident has been accepted or appointed to a specialty/residency position in an approved program;
- 2) a work history; and
- 3) a letter from the residency program director advising why an extension is being requested; and-
- 4) the fee set forth in Section 21 of the Act.

j) Temporary licenses may be extended only when the applicant:

- 1) is serving full-time in the Armed Forces;
- 2) has an incapacitating illness as documented by a currently licensed physician;
- 3) provides proof of continuance of a residency training program in order to meet the remedial requirements for licensure set forth in Section 1285.60(a)(4); or

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4) provides proof of continuance of a residency training program. k) The Department shall issue Limited Temporary Licenses for no more than six (6) months on behalf of individuals who apply, on forms provided by the Department, and submit evidence that:

1) The applicant is enrolled in a postgraduate clinical training program which meets the requirements of Section 1285.40 outside of the State of Illinois;

2) The applicant has been accepted for a specific period of time to perform, under supervision, a portion of the clinical training at a clinical training program approved pursuant to the provisions of Section 1285.40 in the State of Illinois due to the absence of adequate facilities in another State;

3) The approved clinical training program in Illinois has assumed supervisory responsibility for the individual during the period specified on his/her application; and

4) the fee set forth in Section 21 of the Act.

1) A Limited Temporary License may be extended only when the applicant:

- A) is serving full-time in the Armed Forces;
- B) has an incapacitating illness as documented by a currently licensed physician; or
- C) provides proof of continuance of a residency training program as documented by the residency training program director.

m) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

n) Any individual who participates in any portion of a specialty/residency program without a Temporary License issued by the Department shall be considered to be involved in the unlicensed practice of medicine.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.100 Visiting Professor Permits

- a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has been appointed as a visiting professor at a program of medicine in this State must be the holder of a Visiting Professor Permit issued by the Department pursuant to the provisions of Section 18 of the Act.
- b) An application for a Visiting Professor Permit shall be made on forms

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provided by the Department. The application shall include:

- 1) The name and location of the applicant's program of medicine, dates of attendance, date and type of degree conferred;
- 2) Certification from the jurisdiction of original licensure indicating:

A) The date of issuance and status of the license licensure;

B) The method of licensure;

B) Whether the records of the licensing authority contain any record of any disciplinary action or pending action; The current status of the license;

- 3) Verification, signed by a dean of a program of medicine located in another jurisdiction, that the applicant was qualified and held professor status in the program;

- 4) Certification from the Dean of the program of medicine indicating:

A) That the entity has contracted with the applicant and the applicant has received a faculty appointment to teach in the program;

B) The nature of the educational services to be provided by the applicant;

C) The term of the contract;

5) A copy of the applicant's current curriculum vitae; and

6) The fee of \$300.

- c) In determining the need for the issuance of a Visiting Professor Permit, the Department, upon the recommendation of the Medical Licensing Board, shall consider the availability to the program of the medicine of the services for which the Visiting Professor Permit is sought.

- d) Written notice of the Department's final action on every application for a Visiting Professor Permit shall be given to the applicant and the program of medicine designated. When the application is approved the Visiting Professor Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence the faculty appointment before the program receives written notification of the approval of the application.

e) A Visiting Professor Permit shall be valid for one (1) year and may be renewed only once for one year.

f) Application for renewal of a Visiting Professor Permit shall be made on forms supplied by the Department at least sixty (60) days prior to expiration of the permit. The application shall include:

- 1) Certification from the Dean of the program of medicine indicating the term of the renewal contract, not to exceed one year from the date of the original expiration date;
- 2) Certification from the jurisdiction of original licensure indicating the current status of the license; and
- 3) The fee of \$300.

g) When any person on whose behalf a Visiting Professor Permit has been issued shall be discharged or shall terminate his/her faculty

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appointment, any certificate issued in the name of such person shall be null and void as of the date of discharge or termination. The program of medicine shall immediately deliver or mail by registered mail to the Department the Visiting Professor Permit and written notice of the reason for the return of the permit.

- h) Only one Visiting Professor Permit and one renewal shall be issued to an applicant. If, at the conclusion of the term of the faculty appointment for which the permit was issued, the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice that profession.

- i) Whenever a program of medicine is required to deliver or return a Visiting Professor Permit to the Department and that permit has been lost or destroyed or is for any other reason unavailable for return to the Department, the program of medicine shall immediately mail or deliver to the Department a written explanation concerning the inability to return the permit.

- j) Nothing herein shall prohibit the holder of a Visiting Professor Permit from applying for and receiving a license to practice his/her profession in this State during the term of his/her faculty appointment. In the event the holder of a permit is issued a license to practice his/her profession in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Department pursuant to the provisions of subsection (g) above.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.101 Visiting Physician Permits

- a) Any person not licensed in this State to practice medicine in all of its branches or as a chiropractic physician who has received an invitation or appointment to study a specific medical, osteopathic, chiropractic or clinical subject or technique in a medical, osteopathic, or chiropractic school or hospital in this State must be the holder of a Visiting Physician Permit issued by the Department pursuant to the provisions of Section 18(B) of the Act.

- b) An application for a Visiting Physician Permit shall be made on forms provided by the Department. The application shall include:

- 1) Certification from the jurisdiction of current licensure indicating the date of licensure and current status of the license;
- 2) Certification from the dean or program director of the school or hospital indicating:
 - A) That the person has received an invitation or appointment to study a specific clinical subject or technique;
 - B) The nature of the educational services to be provided to the applicant;

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- C) The term of the contact;
- 3) A copy of the applicant's current curriculum vitae; and
- 4) The fee of \$100.
- c) In determining the need for the issuance of a Visiting Physician Permit, the Department, upon the recommendation of the Medical Licensing Board, shall consider the availability to the program of medicine of the services for which the Visiting Physician Permit is sought.
- d) Written notice of the Department's final action on every application for a Visiting Physician Permit shall be given to the applicant and/or the school or hospital designated. When the application is approved, the Visiting Physician Permit shall be delivered or mailed to the program of medicine. The applicant shall not commence the appointment before the program receives written notification from the Department of the approval of the application.
- e) A Visiting Physician Permit shall be valid for 180 ± 20 days or until such time as the clinical studies or techniques are completed, whichever occurs first.
- f) When the holder of a Visiting Physician Permit has been discharged or terminated from an appointment, any certificate issued in the name of the person shall be null and void as of the date of the discharge or termination. The school or hospital shall immediately deliver or mail by registered mail to the Department the Visiting Physician Permit and written notice of the reason for the return of the permit.
- g) Only one Visiting Physician Permit shall be issued to an applicant. If, at the conclusion of the term of the appointment for which the permit was issued, the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice medicine in all of its branches or as a chiropractic physician.
- h) Whenever a program of medicine is required to deliver or return a Visiting Physician Permit to the Department and that permit has been lost or destroyed or is for any other reason unavailable for return to the Department, the program of medicine shall immediately mail or deliver to the Department a written explanation concerning the inability to return the permit.
- i) Nothing shall prohibit the holder of a Visiting Physician Permit from applying for and receiving a license to practice his/her profession in this State during the term of the appointment. In the event the holder of a permit is issued a license to practice in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the Department pursuant to the provisions of subsection (f) above.
- j) A Limited Visiting Physician Permit will be issued by the Department to an out of state physician who has been requested to perform an emergency procedure in Illinois.
- 1) An individual seeking a Limited Visiting Physician Permit shall apply to the Department, on forms provided by the Department, and

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submit the following:

- A) Verification of licensure in another jurisdiction;
- B) A description of the emergency procedure to be performed;
- C) The exact date and location of the procedure;
- D) The name and license number of the sponsoring physician who will be responsible for the applicant;
- E) Proof from the hospital that the applicant has approval from the facility to perform the procedure signed by the administrator of the hospital;
- F) A copy of an up to date curriculum vitae; and
- G) A fee of \$25.
- 2) The permit will be issued for no more than 5 days. However, in extenuating circumstances, upon review by the Chairman of the Licensing Board or his/her designee, the permit may be extended.
- 3) The Department shall notify the Medical Licensing Board of the issuance of all Limited Visiting Physician Permits.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.105 Chiropractic Physician Preceptorship (Repealed)

- a) Pursuant to Section 111.1 of the Act, a chiropractic college or a chiropractic physician shall file an application with the Department on forms provided by the Department, along with the required fee, set forth in Section 21e(1)(2) of the Act, to register as a preceptorship program or as a preceptor, respectively.
- 1) In order to be an approved preceptor program, a chiropractic college shall:
- A) be accredited by the Council on Chiropractic Education;
- B) offer as a part of its curriculum a preceptorship program;
- C) certify to the Department, on forms supplied by the Department, that all students who participate in the preceptorship program are in their last semester or quarter of their education and are eligible for graduation except for the preceptorship;
- B) certify to the Department, on forms supplied by the Department, that all chiropractic physicians who participate as preceptors are faculty of the institution;
- B) certify to the Department, on forms supplied by the Department, that an outline or description of the preceptor program has been developed with the preceptor-chiropractic physician; and
- P) provide to the Department, on an annual basis, a list of students eligible to participate in a preceptorship program and a list of chiropractic physicians to be utilized by the college as preceptors.
- 2) In order to be an approved preceptor, a chiropractic physician

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shall:

- A) certify--to--the--Department,--on--forms--supplied--by--the Department:
- i) current-licensure-in-illinois;
 - ii) continuous-licensure-in-illinois-for-3-years--or--more prior-to-functioning-as-a-preceptor;
 - iii) faculty--membership--at--an--approved--chiropractic college;
 - iv) that-maintenance-insurance-coverage-will-be-provided in--accordance-with--Section-11-1(f)(3)-of-the-Act;
 - v) that-a-location-and-schedule-for-the-practice-of-the chiropractic--student--has--been--provided--to--the satisfaction-of-the-chiropractic-college;
 - vi) that-an-outline--or--description--of--the--preceptor program--has--been--developed--with--the--approved chiropractic-college;
 - vii) that-these-have-been-no-sanctions--on--the--preceptor applicant's--chiropractic--license--in--the--last--two years--and
 - viii) that--Section-11-1--of-the-Act-and-this-Section-have been-read-and-understood-by-the-preceptor-applicant.
- B) provide-the-location-of-the-preceptor-program
- 3) An--approved--preceptor--program--and--preceptor--chiropractic physician--shall--file--an--application--with--the-Department-and submit-the-registration-every-duly-in-order-to-maintain--their approval-status.
- b) No--student--in-a-preceptorship-program--shall-be-entitled-to-engage-in the-practice-of-chiropractic-in-this-State,--except--as--authorized--by Section-11-1--of--the-Act.---To--practice--chiropractic,--except--as authorized--by--Section-11-1--of--the-Act,--before--the-student-receives-a license-as-a-chiropractic-physician--shall-be-considered-the-unlicensed practice-of-chiropractic.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

Section 1285.110 Continuing Medical Education (CME)

The Department shall promulgate rules of continuing education for persons licensed under the Act that require 150 50 hours of continuing education per license renewal cycle. each-year. These rules shall be consistent with requirements of relevant professional associations, specialty societies, or boards. The rules shall also address variances for illness or hardship. In establishing these rules, the Department shall consider educational requirements for medical staffs, requirements for specialty society board certification or for continuing education requirements as a condition of membership in societies representing the 2 categories of licensee (physicians licensed to practice medicine in all of its branches and chiropractic

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physicians) under the Act. These rules shall assure, but not be limited to, that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals which are relevant to their practice. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department. (Section 20 of the Act)

a) Continuing Medical Education Hours Requirements

- 1) For the July 31, 1999 renewal, a licensee will be required to complete 50 hours of continuing medical education (CME). The Department will accept CME taken on or after July 1, 1997. Beginning with the July 31, 2002 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 50 hours of continuing medical education per year for a total of 150 hours per pre-renewal period.
- 2) A pre-renewal period is the 36 months preceding July 31 in the year of the renewal.
- 3) One CME hour shall equal one clock hour. After completion of the initial CME hour, credit may be given in one-half hour increments.
- 4) Continuing medical education--each-year--means--continuing--medical education--earned--in-a-calendar-year--or--from-July-31-to-July-31--of-the-following-year.
- 4)5) A renewal applicant shall not be required to comply with CME requirements for the first renewal of an Illinois license.
- 5)6) Individuals licensed in Illinois but residing and practicing in other states shall comply with the CME requirements set forth in this Section.
- 6)7) Continuing medical education credit hours used to satisfy the CME requirements of another jurisdiction may be applied to fulfill the CME requirements of the State of Illinois if the CME required by the other jurisdiction is consistent with the CME requirements set forth in this Section.
- 7)8) The Department, upon recommendation of the Medical Licensing Board, will accept the American Medical Association Physician Recognition Award (AMA PRA) certificate awarded to physicians licensed to practice medicine in all of its branches as documentation of compliance with the 150 CME hours set forth in this Part. The hours shall be earned consistently with the pre-renewal period set forth in subsection (a)(2).
- 8)9) CME used to satisfy the requirements for renewal of a license may not be used to satisfy the CME requirements for another renewal period.
- 9)10) The CME requirements set forth in this Section apply to both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed in Illinois.
- b) Continuing Medical Education (CME) hours for both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed to treat human ailments without the use of drugs

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and without operative surgery in Illinois shall be earned by, but not limited to, verified attendance at (e.g., certificate of attendance or certificate of completion) or participation in a program or course (program) as follows:

- 1) CME hours shall be earned as follows:
 - A) A minimum of 60 hours 40% of required CME hours shall be obtained in formal CME programs set forth in subsection (b)(2);
 - B) A maximum of 90 hours 60% of the required CME hours shall be obtained in informal CME programs or activities as set forth in subsection (b)(3).

2) Formal CME Programs:

- A) Formal programs conducted or endorsed by hospitals, specialty societies, facilities or other organizations approved to offer CME credit as set forth in subsection (c) below.

- B) Formal CME programs conducted by medical, chiropractic or osteopathic colleges, schools or education programs, including the Accreditation Council for Graduate Medical Education, the Council on Continuing Medical Education of the American Osteopathic Association or the Commission on Accreditation of the Council of Chiropractic Education schools, either to prepare individuals for licensure pursuant to the provisions of the Act or for postgraduate training.

- C) CME programs required for certification or recertification by specialty boards and professional associations.

- D) Activities which are given by sponsors approved in accordance with this Section:

- i) CME utilizing materials such as CD-ROMS, printed educational materials, audiotapes, video cassettes, films, slides and computer assisted instruction that provide a clear, concise statement of the educational objectives and indicate the intended audience. These programs shall also have a method of verifying physicians' participation;
- ii) Journal club activities;
- iii) Self-assessment activities; and
- iv) Journal-based CME.

- 3) Informal CME programs or activities shall consist of, but not be limited to, any of the following activities that the licensee must document including the dates and a brief description of the activity:

- A) Consultation with peers and experts concerning patients;
- B) Use of electronic databases in patient care;
- C) Small group discussions;
- D) Teaching health professionals;
- E) Medical writing;

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- F) Teleconferences;
- G) Preceptorships;
- H) Participating in formal peer review and quality assurance activities;
- I) Preparation of educational exhibits; and
- J) Journal reading.

c) CME Sponsors and Formal Programs

- 1) Sponsor, as used in this Section, shall mean:
 - A) For physicians licensed to practice medicine in all of its branches:
 - i) Accreditation Council on Continuing Medical Education and organizations accredited by ACCME as sponsors of CME;
 - ii) Illinois State Medical Society, or its affiliates;
 - iii) Council on Continuing Medical Education for the American Osteopathic Association and the Illinois Osteopathic Medical Society or its affiliates;
 - iv) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (c)(2) below to coordinate and present continuing medical education courses and programs in conjunction with this Section.
 - B) For chiropractic physicians:
 - i) Illinois Chiropractic Society, or its affiliates;
 - ii) Illinois Prairie State Chiropractic Association, or its affiliates;
 - iii) International Chiropractic Association, or its affiliates;
 - iv) American Chiropractic Association, or its affiliates; or
 - v) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (c)(2) below to coordinate and present continuing medical education courses and programs in conjunction with this Section.
 - C) Physicians licensed to practice medicine in all of its branches or chiropractic physicians may earn CME hours from the sponsors set forth in subsections (c)(1)(A) and (B) above.
 - 2) An entity, not listed in subsections (c)(1)(A) and (B) above, seeking approval as a CME sponsor for formal programs shall submit an application, on forms supplied by the Department, along with a \$2000 nonrefundable application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:
 - A) Certification:

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- i) That all programs offered by the sponsor for CME credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
- ii) That the sponsor shall be responsible for verifying completion of each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
- iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
- iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered.
- B) A copy of a sample program including course materials, syllabi and a list of faculty.
- 3) All formal programs shall:
 - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee;
 - B) Foster the enhancement of general or specialized practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CME hours that may be applied to fulfilling the Illinois CME requirements for licensee renewal.
- 4) Each CME formal program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all

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- responsibility for attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) To maintain approval as a sponsor, each shall submit to the Department by July 31 in the year of renewal a renewal application, a \$2000 fee and a list of courses and programs offered within the last 36 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
 - 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;
 - B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
 - 8) The sponsor shall maintain attendance records for not less than 5 years.
 - 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CME credit for nonparticipation in a program.
 - 10) Upon the failure of a sponsor to comply with any of the preceding requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 110), shall thereafter refuse to accept for CME credit attendance at or participation in any of that sponsor's CME programs until such time as the Department receives assurances of compliance with this Section.
 - 11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CME program at any time to ensure compliance with requirements of this Section.
 - d) Certification of Compliance with CME Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CME requirements set forth in subsections (a) and (b) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CME requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CME requirements, an applicant shall be notified in writing and may

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request an interview with the Licensing Board. At that time the Licensing Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

- 4) The Department shall conduct a random audit to verify compliance with the CME requirements.

e) Continuing Medical Education Earned in Other Jurisdictions

- 1) If a licensee has earned or is seeking formal CME hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- 2) If a licensee fails to submit an out of state CME approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$100 per hour of CME late fee not to exceed \$500. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CME requirements, the Department shall restore the license upon payment of the required fee as provided in Section 21(e) 21(f) and (5) of the Act.

g) Waiver of CME Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CME requirements shall file with the Department a renewal application along with the required fee set forth in Section 21(e)(4) 21(f) of the Act, a statement setting forth the facts concerning non-compliance and a request for waiver of the CME requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Licensing Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CME requirements for the renewal period for which the applicant has applied.

- 2) Hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CME requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
- B) An incapacitating illness documented by a statement from a

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- currently licensed physician;
- C) Undue hardship (prolonged hospitalization, family illness); or

- 3) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.120 Renewals

- a) Every license issued under the Act shall expire on July 31, 1990, and every third year thereafter. For the July 31, 1999 renewal, a licensee shall complete 50 hours of CME in accordance with Section 1285.110 of this Part. Thereafter, a licensee will be required to complete 150 hours in accordance with Section 1285.110 of this Part in order to renew the license. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee stated in Section 21(e)(5) of the Act.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.

- c) Practicing or operating on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 22 of the Act.

- d) Any licensee applying for renewal shall be entitled to a hearing in accordance with 68 Ill. Adm. Code 1110 prior to refusal of any renewal or any disciplinary action being taken by the Department against the licensee.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.130 Restoration and Inactive Status

- a) A licensee seeking restoration of his license which has expired for less-than-three-4 3 years or less shall have a his license restored upon payment of all lapsed renewal fees required by Section 21 of the Act and proof of completion of 150 hours of continuing education in accordance with Section 1285.110.

- b) A licensee seeking restoration of a his license which has been placed on inactive status for less-than-three-4 3 years or less shall have his license restored upon payment of the current renewal fee and the

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c) continuing education requirements for the last renewal period.

A licensee seeking restoration of a ~~his~~ license after it has expired or been placed on inactive status for more than ~~three~~ 3 years shall file an application, on forms supplied by the Department, together with the fee required by Section 21 of the Act. The licensee shall also submit one or more of the following:

- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of ~~said~~ active practice.⁷
 - 2) An affidavit attesting to military service as provided in Section 21 of the Act.⁷
 - 3) Proof of successful completion (evidenced by Certification of Clinical Training) of an approved specialty residency program of at least twelve months in length within three years from the date of application.
 - 4) Proof of completion evidenced by Certification of Medical Education of a course of study of at least 960 classroom hours (one academic year) which includes no more than 25 clock hours of basic sciences and 40 clock hours of clinical sciences in a college approved by the Department under the Act within 3 ~~three~~ years from the date of application.
 - 5) Successful completion of the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Special Purpose Examination for the United States of America (COMSPEX-USA) within 3 ~~three~~ years from the date of application. To be successful an applicant must receive a score of 75 or better.
 - 6) For individuals applying for a chiropractic license, proof of completion of 960 classroom hours (academic hours) in an accredited chiropractic program within 3 ~~three~~ years from the date of application or the Special Examination for Chiropractic (SPEC) or its equivalent as approved by the Board.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of a his license will be requested to:
- 1) provide such information as may be necessary; and/or
 - 2) explain such relevance or sufficiency during an oral interview; or
 - 3) appear for an oral interview before the Medical Licensing Board designed to determine the individual's current competency to practice under the Act. Upon the recommendation of the Medical Licensing Board, an applicant shall have his license restored.
- e) Placement of a license into an inactive status does not preclude the Department from proceeding with any action pursuant to Section 22 of

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the Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1285.140 Granting Variances

- a) The Director may grant variances from this Part ~~these rules~~ in individual cases where he/she finds that:
- 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Medical Licensing Board of the granting of such variance, and the reasons therefor, at the next meeting of the Licensing Board.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Pharmacy Practice Act of 19872) Code Citation: 68 Ill. Adm. Code 13303) Section Numbers:

1330.85	<u>Proposed Action:</u>
1330.91	New Section
1330.92	Amendment
1330.93	Amendment
1330.94	Amendment
1330.95	Amendment
1330.98	Amendment
1330.99	Amendment
1330.130	Amendment

4) Statutory Authority: Pharmacy Practice Act of 1987 [225 ILCS 85]5) A. Complete Description of the Subjects and Issues Involved: Section 1330.85 is added by this rulemaking to define "dispensing errors" and establish recordkeeping procedures for tracking such errors. Section 1330.99 adds definitions of "barrier isolation chamber" and "laminar airflow hood".

Sections 1330.91, 1330.92, 1330.93, and 1330.94 set forth the standards for the various divisions of pharmacies. These Sections contain all or some of the following changes:

Prescriptions currently require the "handwritten name or initial" of the registered pharmacist and/or registered pharmacy technician; these rules change that provision to require the prescription to contain the "name, initial or other unique identifier" of the person authorized to fill or refill the prescription.

The pharmacy will no longer be required to maintain a hard copy printout of refill data in the pharmacy, but shall be required to provide a hard copy of the printout within 48 hours of the request of the Department.

Currently the operation of the pharmacy is the responsibility of the pharmacist in charge; under this proposed rulemaking, the operation of the pharmacy will be a shared responsibility between the pharmacist in charge and the owner of the pharmacy.

The notification time for both the change in pharmacist in charge and the required inventory when the pharmacist in charge changes has been increased from 10 days to 30 days.

Pharmacies will be required to develop and implement a procedure to

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handle drug recalls.

Section 1330.98 will allow automated dispensing and storage systems to be utilized in all settings for Division I, II, III and V.

6) Will these proposed amendments replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes, at 23 Ill. Reg. 10103, August 27, 1999.10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Pharmacies

B) Reporting, bookkeeping or other procedures required for compliance: Pharmacies will be required to maintain a report of dispensing errors within the pharmacy, but will no longer have to maintain a hard copy report of all refill data on hand. They also now will have 30 days rather than 10 to report a change in the pharmacist in charge and complete the required inventory.

C) Types of professional skills necessary for compliance: Pharmacy skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1330
 PHARMACY PRACTICE ACT OF 1987

Section	
1330.05	Definitions
1330.10	Application for Certificate of Registration as a Pharmacy Technician
1330.20	Approval of Pharmacy Programs
1330.30	Graduates of Programs Not Approved Pursuant to the Provisions of Section 1330.20
1330.40	Application for Examination
1330.50	Examination for Licensure
1330.55	Application for Licensure on the Basis of Examination
1330.60	Endorsement
1330.65	Patient Counseling
1330.70	Definitions (Renumbered)
1330.75	Security Requirements
1330.80	Violations
1330.85	Dispensing Errors
1330.90	Divisions of Pharmacy Licenses
1330.91	Division I Pharmacies
1330.92	Division II Pharmacies
1330.93	Division III Pharmacies
1330.94	Division IV Pharmacies
1330.95	Division V Pharmacies
1330.96	Nonresident Pharmacies
1330.98	Automated Dispensing and Storage Systems
1330.99	Parenteral Product Standards
1330.100	Application for a Pharmacy License
1330.110	Granting Variances
1330.120	Renewals
1330.130	Restoration
1330.140	Continuing Education

AUTHORITY: Implementing the Pharmacy Practice Act of 1987 [225 ILCS 85] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Pharmacy Practice Act, effective August 20, 1975; amended March 8, 1977; amended at 4 Ill. Reg. 1234, effective July 11, 1980; amended at 5 Ill. Reg. 2997, effective March 11, 1981; codified at 5 Ill. Reg. 11049; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 6496, effective June 30, 1983; amended at 9 Ill. Reg. 16918, effective

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October 23, 1985; amended at 10 Ill. Reg. 21913, effective December 17, 1986; transferred from Chapter I, 68 Ill. Adm. Code 330 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1330 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2957; amended at 12 Ill. Reg. 17394, effective October 14, 1988; amended at 16 Ill. Reg. 19811, effective December 7, 1992; amended at 21 Ill. Reg. 12600, effective August 29, 1997; amended at 22 Ill. Reg. 21959, effective December 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1330.85 Dispensing Errors

All licensees/registrants under the Act shall comply with the medication incident recordkeeping requirements set forth in this Section.

a) Definitions

"Dispensing Error" shall be defined as an incorrectly dispensed prescription or order that is received by the patient or the patient's agent.

b) Dispensing Error Recordkeeping

Any pharmacist who receives notice that a dispensing error has occurred shall correct the error, if possible, and shall be responsible for initiation of a dispensing error record that shall be delivered to the pharmacist-in-charge for review and retention. The pharmacy shall maintain the dispensing error report for a period of 5 years and it shall be readily retrievable for inspection by the Department. The dispensing error report shall contain, at a minimum, the following information:

- 1) Date of report;
- 2) Identification of patient;
- 3) Identification of pharmacist who first received notice of the dispensing error;
- 4) Identification of registrants licensed under the Act involved in the dispensing error;
- 5) Prescription number or order number of drugs involved in the dispensing error, if available;
- 6) Drugs or devices involved in the dispensing error;
- 7) Date of dispensing error (as best as can be determined);
- 8) Description of the dispensing error;
- 9) When and how the dispensing error was discovered;
- 10) Description of action taken by the pharmacist to resolve the dispensing error and to prevent future occurrences of the dispensing error, if any;
- 11) Patient outcome; and
- 12) Acknowledgment, by signature or other unique identifier, that the pharmacist-in-charge has reviewed the completed dispensing error report.

c) Confidentiality

The dispensing error reports shall be confidential and protected by

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the Department. The Department shall not disclose, make available or release the dispensing error reports subject to subpoena or discovery proceedings in any civil or criminal proceedings.

Any information gathered by the Department, during the course of any investigation or inspection, that was maintained, compiled or held by a licensee/registrant in compliance with this Section shall be kept for the confidential use of the Director, Board of Pharmacy, the Pharmacy Coordinator, persons employed by contract to advise the Department relative to the Illinois Pharmacy Practice of 1987, Department attorneys, investigative staff, and authorized clerical staff, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure [225 ILCS 5/Art. VIII, Part 21]. The information shall be privileged and strictly confidential and shall not be admissible as evidence nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 1330.91 Division I Pharmacies

a) Retail pharmacies which engage in general community pharmacy practice and are open to, or offer pharmacy service to, the general public shall, in addition to any other requirements of the Act and this Part, comply with Section 1330.91. A retail pharmacy which, in addition to offering pharmacy services to the general public, provides pharmacy services to an institution or facility listed in Sections 1330.92(a) need not register as a Division II pharmacy if the sales do not exceed 49% of total sales, but the pharmacy shall comply with requirements of Sections 1330.92(b), (c) and (d).

b) Recordkeeping Requirements for Filling Prescriptions

1) Every ~~written-and-oral~~ prescription filled or refilled shall contain the ~~handwritten~~ name, or initials or other unique identifier of the person authorized to practice pharmacy under the provisions of the Pharmacy Practice Act who fills or refills the prescription. Additionally, the label affixed to the drug container must indicate the name, initials or other unique identifier of the person authorized to practice pharmacy in the State of Illinois who filled or refilled the prescription. No prescription may be filled or refilled for a period in excess of one ~~14~~ year from the date of the original issuance of the prescription by the prescriber.

2) Whenever a prescription ~~written-or-oral~~ is filled or refilled, by a registered pharmacy technician under the supervision of a pharmacist, the prescription shall contain the ~~handwritten~~ names, or initials or other unique identifier of both the supervising pharmacist and the registered pharmacy technician who fills or

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refills the prescription. Additionally, the label affixed to the drug container must indicate the initials of the pharmacy technician and pharmacist.

3) Refilling a Prescription

A) Each refilling of a prescription shall be entered on the prescription or on another appropriate, uniformly maintained, readily retrievable record, which indicates by the number of the prescription the following information:

- i) The name and dosage form of the drug;
- ii) The date of each refilling;
- iii) The quantity dispensed;
- iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and
- v) The total number of refills for the prescription.

B) If the pharmacist doesn't otherwise indicate in a uniformly maintained record ~~merely--dates--and-signs-or-initials--the prescription~~, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription.

4) Presentation of a written prescription copy or prescription label shall be for information purposes only and has no legal status as a valid prescription order. The recipient pharmacist of the copy or prescription label shall contact the prescribing practitioner to obtain a new prescription order.

5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the uniformly maintained record ~~the-face-of--the--original prescription~~ and record the date the copy is issued, to whom issued and his/her name, initials or unique identifier ~~signature on--the--face--of--the--original--prescription~~. Copies of prescriptions shall be marked "For Information Purposes Only" and require a new prescription from the prescriber.

6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system which meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) [1998] ~~1998~~, and which contain no further amendments or editions, and shall include the capability to:

A) Retrieve the original prescription order information for those prescription orders which are currently authorized for refilling;

B) Retrieve the current prescription orders which shall, at a minimum, include name of drug, date of refill, quantity dispensed, name and identification code of the manufacturer in the case of a generically written prescription or a generic interchange, name or initials of the dispensing pharmacist and technician for each refill and the total

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number of refills dispensed to date;

- C) Supply documentation of ~~the correctness of~~ refill information entered ~~that must be provided by~~ the pharmacist using the system by way of a hard copy printout of each day's refill data which has been verified for correctness. ~~dated, and signed by the dispensing pharmacist. This printout must include for each prescription filled at least the following information:~~
- i) The name and dosage form of the drug;
 - ii) The date of each refilling;
 - iii) The quantity dispensed;
 - iv) The name or initials of the pharmacist in each refilling and the pharmacy technician, if applicable;
 - v) The patient's name;
 - vi) The prescriber's name; and
 - vii) The prescription number for the prescription.

In lieu of the printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in the dispensing shall sign a statement each day, attesting to the fact that the refill information entered into the computer that day has been reviewed by him/her and is correct as shown. The book or file must be maintained at the pharmacy employing the system for a period of 5 years after the date of dispensing the appropriately authorized refill.

- D) All refill data shall be maintained by the pharmacy on the premises for ~~5~~ five years in accordance with Section 18 of the Act. ~~The hard-copy printout required in subsection (c) above shall be maintained for two years. The data for the remaining three years shall be maintained at the pharmacy either by hard-copy printout, microfiche or microfilm, if data is stored other than by the hard-copy printout. The pharmacy shall have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout shall be provided to the Department upon request within 48 hours.~~

c) Transfer of Prescription Information

- 1) A prescription may be transferred between pharmacies for the purpose of original fill or refill dispensing provided that:
 - A) The transferor pharmacist invalidates the prescription on file and records to whom transferred, the date of issuance of such copy and the name of the transferor pharmacist issuing the transferred prescription order; and
 - B) The transferee pharmacist, upon receiving the prescription directly from another pharmacist, records the following:
 - i) The name, address and original prescription number of the pharmacy from which the prescription was

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transferred;

- ii) All information constituting a prescription order including the following: name of the drug, original amount dispensed, date of original issuance of the prescription and number of valid refills remaining; and
 - C) The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it has been transferred.
- 2) A prescription for Schedule III, IV and V drugs may be transferred only from original pharmacy and only one time for the purpose of refill dispensing and may not be transferred further. However, a pharmacist who is electronically sharing real-time on line computerized systems may transfer up to the maximum refills permitted by law and the prescriber's authorization in accordance with CFR 1306.26(a).

- 3) Computerized systems must satisfy all information requirements of this subsection (b) ~~to~~ **above**, including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership. If those systems that access the same prescription records have the capability of cancelling the original prescription, pharmacies using such a system are exempt from the requirements of this subsection (c) if the transferred prescription can always be tracked to the original prescription order from the prescribing practitioner and the original prescription can be produced.

d) Staffing of the Pharmacy

- 1) Whenever the hours of the pharmacy (prescription department) differ from those of the establishment in which the pharmacy is located, there shall be compliance with the following:
 - A) The schedule during which the practice of pharmacy is carried on in the pharmacy shall be conspicuously displayed.
 - B) Whenever an establishment housing a pharmacy is open and a pharmacist is not present and available to provide pharmaceutical services as defined in Section 3 of the Act, a sign shall be conspicuously displayed stating in all capital letters: PHARMACIST NOT ON DUTY; STATE LAW PROHIBITS FILLING OF PRESCRIPTIONS IN THE ABSENCE OF A PHARMACIST.
 - C) No prescription may be dispensed when a pharmacist is not physically present in the establishment and on duty.
- 2) The pharmacy must provide pharmaceutical services, as defined in Section 3 of the Act, to the public a minimum of 40 hours per week. A pharmacy is considered providing Pharmaceutical Services when a pharmacist is physically present in the establishment and available for consultation.
 - e) Pharmacist-in-Charge
 - 1) No pharmacy shall be granted a certificate of licensure without a

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pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist shall be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:

- Supervision of all activities of all employees as they relate to the practice of pharmacy;
- Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed as set forth in Section 1330.75; and
- Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.

2) The operations of the pharmacy ~~are--the--responsibility--of--the pharmacist-in-charge~~ and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.

3) Within 30 ~~ten--(10)~~ days after ~~of~~ the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge.

4) In addition to notifying the Department within 30 ~~10~~ days, the departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:

A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and

B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.

5) The inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of ~~five--(5)~~ years. An affidavit attesting to the completion of the inventory and preservation of the inventory record, bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge, shall be submitted to the Department of Professional Regulation, at its principal office, within 30 ~~ten--(10)~~ days after of the change in the pharmacist-in-charge.

6) Failure on the part of a registrant to provide the information required in subsections (e)(4) and (5) above shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based on the recommendation of the Board.

7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the Department, because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be required to:

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- Provide such information as may be necessary; and/or
- Explain such relevance or completeness during an oral interview; or
- Appear for an oral interview before the Board when the information available to the Board is insufficient to evaluate compliance with this Section.

f) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any dispensed medications, chemicals, poisons or medical devices except for:

- Medical devices which can be properly sanitized prior to reuse, resale or reagent; and
- Medications and medical devices that are dispensed and stored under conditions defined and supervised by the pharmacist and are unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined by the current United States Pharmacopoeia (U.S.P)/National Formulary or by the United States Pharmacopoeial Convention, Inc.

g) Pharmacies that compound and dispense parenteral products shall comply with Section 1330.99 of this Part.

h) Pharmacies that utilize automated dispensing and storage systems shall comply with Section 1330.98 of this Part.

i) The development and implementation of a procedure to be utilized in the event of a drug recall that can be readily activated to assure that all drugs included on the recall are returned to the pharmacy for proper disposition.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1330.92 Division II Pharmacies

a) Pharmacies which are not located in the facilities they serve and whose primary service is to provide services to patients or residents of facilities licensed under the Nursing Home Care Reform Act of 1979 or the Hospital Licensing Act, or the University of Illinois Hospital Act shall, in addition to any other requirements of the Act and this Part, comply with this Section.

b) Recordkeeping Requirements for Filling Prescriptions or Orders

- Every ~~written--and--oral~~ prescription or order dispensed shall be documented with the handwritten names, ~~or~~ initials or other unique identifier of the pharmacist (and technician if one is used) authorized to practice pharmacy under the provisions of the Act who dispenses the prescription or order. For purposes of the Act, an authorized person is:

- A pharmacist licensed in the State of Illinois, or
- A registered pharmacy technician or registered student pharmacist, under the supervision of a pharmacist.

2) Each pharmacy must maintain a recordkeeping system for ~~five--(5)~~

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years, which contains the information in subsection (b)(3) below. This information shall be readily retrievable and in a format which provides enforcement agents a concise, accurate and comprehensive method of monitoring drug distribution via an audit trail. This system may require two or more documents which, when read together, will provide all the information required by federal (e.g., the regulations of the Drug Enforcement Administration, 21 CFR 1300 et seq. (1998)(1999)) and state law (e.g., the Pharmacy Practice Act of 1987 and the Illinois Controlled Substances Act).

- 3) In addition to the above recordkeeping requirements, a uniformly maintained, readily retrievable hard copy record or back-up documentation of each prescription or order dispensed shall be maintained by the pharmacy for five-(5) years and shall include:

- A) Name of resident;
- B) Date of order;
- C) Name, strength and dosage form of drug, or description of the medical device ordered;
- D) Quantity dispensed (a separate record should be maintained when the quantity billed differs from the quantity dispensed; e.g., unit dose transfer systems);
- E) Directions for use;
- F) Quantity billed;
- G) Prescriber's name;
- H) Prescriber's signature and/or DEA number where required for controlled substances; and
- I) The drug name and identification code or the manufacturer in case of a generically ordered medication or a generic interchange.

- 4) The label affixed to the drug container must indicate the initials or other unique identifier of the pharmacist who approves the dispensing of the medication order. However, if the pharmacy is utilizing a drug distribution system which re-issues the same label, a separate record must be maintained which identifies the pharmacist approving each dispensing of the prescription or medication order.

- 5) No prescription may be filled or refilled for a period in excess of one (1) year from the date of the original issuance of the prescription or order by the prescriber.

- 6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a:

- A) computerized pharmaceutical information system which meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1998)(1999), and which contain no further amendments or editions, and shall include the capability to:

- iA) Retrieve the original medication order information for

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those medication orders which are currently authorized;

- iiB) Retrieve the current history of medication orders which shall, at a minimum, include the name of drug, the date of filling, the quantity dispensed, the name and identification code of manufacturer in the case of a generically written prescription or a generic interchange, for each filling, and the total number of refills when read in conjunction with any off-line hard copy of the history of medication orders dispensed to date; and

- iiiE) Supply documentation of the correctness of filling information entered into a system must be provided by the pharmacist using the system by way of a hard copy printout of each day's filling data which has been verified, dated and signed by the dispensing pharmacist; or-

- B) bound log book, or separate file, in which each individual pharmacist involved in dispensing shall sign a statement each day attesting to the fact that the refill information entered into the computer that day has been reviewed by him/her and is correct as shown. The a book or file must be maintained at the pharmacy employing the system for a period of 5 years after the date of dispensing the appropriately authorized refill.

- c) In the event the Long Term Care Facility changes pharmacy provider services, their new provider must obtain the orders from the Long Term Care Facility and verify the authenticity and accuracy of the orders with the prescriber.

- d) Staffing of the Pharmacy

- 1) When the pharmacy is closed, the public and any employees not registered under the Act are to be prohibited access to the filling and dispensing area;

- 2) The pharmacy must provide pharmaceutical services as defined in Section 3 of the Act a minimum of 40 hours per week. A pharmacy is considered to be providing pharmaceutical services when a pharmacist is on call and available for consultation.

- e) Pharmacist-in-Charge

- 1) No pharmacy shall be granted a certification of licensure without a pharmacist being designated on the pharmacy license as a pharmacist-in-charge. No pharmacist may be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:

- A) Supervision of all activities of all employees as they relate to the practice of pharmacy;
- B) Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the

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pharmacy is closed, as set forth in Section 1330.75; and

C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.

2) The operations of the pharmacy ~~are the responsibility of the pharmacist-in-charge~~ and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.

3) Within ~~30 ten~~ days after the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge.

4) The departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:

A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and

B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.

5) The inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of ~~five~~ 5 years. An affidavit attesting to the completion of the inventory and preservation of the inventory record, bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge, shall be submitted to the Department, at its principal office, within ~~30 ten~~ days after the change in the pharmacist-in-charge.

6) Failure on the part of a registrant to provide the information required in subsections (e)(4) and (5) above shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based upon the recommendation of the Board.

7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the Department, because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be required to:

A) Provide such information as may be necessary; and/or

B) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies of conflicts in information.

f) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any dispensed medications, chemicals, poisons, or medical devices except for:

1) Medical devices which can be properly sanitized prior to reuse, resale or rerent; and

2) Medications and medical devices that are dispensed and stored under conditions defined and supervised by the pharmacist and are

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unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined by the current United States Pharmacopoeial (U.S.P.)/National Formulary, or by the United States Pharmacopoeial Convention, Inc.

g) Labeling Requirements

1) Medications For Future Use

A) Parenteral solutions to which a drug(s) or diluent has been added or which are not in their original manufacturer's packaging, shall contain the following information on the outer label:

i) Name, concentration and volume of the base parenteral solution;

ii) Name and strength of drug(s) added;

iii) Expiration date and date of the admixture. Expiration date, unless otherwise specified in the individual compendia monograph, or beyond use date, shall be not later than the expiration date on the manufacturer's container, one year from the date the drug is repackaged, or current federal (e.g., the federal Drug Administration Act) or U.S.P. requirements, whichever is earlier; and

iv) Reference code to identify source and lot number of drug(s) added.

B) Non-Parenterals repackaged for future use, shall be identified with the following information:

i) Trade and/or generic name;

ii) Strength (if applicable);

iii) Expiration date. Unless otherwise specified in the individual monograph, the expiration date or beyond use date, shall be not later than the expiration date on the manufacturer's container, one year from the date the drug is repackaged, or current federal or U.S.P. requirements, whichever is earlier; and

iv) Reference code to identify source and lot number.

2) Medications prepared for Immediate Use

A) All medications prepared by the pharmacy for immediate dispensing to a specific resident or patient in the facility shall be dispensed in a container identified with:

i) Name of the resident;

ii) Resident's room and bed number;

iii) Dispensing date;

iv) Name, strength and dosage form of drug, or description of the medical device ordered;

v) Quantity dispensed;

vi) Directions for use;

vii) Prescriber's name; and

viii) Expiration date if less than 60 days from date of dispensing.

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- B) Pharmacies dispensing medications to a specific resident or patient in the facility via unit dose shall label each order with the following information:
- Name of the resident;
 - Resident's room and bed number;
 - Date of order;
 - Name, strength and dosage form of drug, or description of the medical device ordered;
 - Directions for use; and
 - Prescriber's name.
- h) Pharmacies that compound and dispense parenteral products shall comply with Section 1330.99 of this Part.
- i) Pharmacies that utilize automated dispensing and storage systems shall comply with Section 1330.98 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1330.93 Division III Pharmacies

- a) Pharmacies which are located in facilities licensed under the Nursing Home Care Reform Act of 1979, the Hospital Licensing Act, or the University of Illinois Hospital Act, or are operated by the Department of Human Services ~~Mental-Health-and-Disabilities~~ or the Department of Corrections, and which provide pharmacy services to residents, patients, employees, prescribers and students of these facilities, shall, in addition to other requirements of the Act and this Part, comply with this Section.
- b) Recordkeeping Requirements
- Every prescription or drug order filled or refilled shall contain the name, ~~or~~ initials or other unique identifier of the pharmacist (and technician if one is used) who fills or refills the prescription or drug order, or the name, ~~or~~ initials or other unique identifier may be recorded on another appropriate, uniformly maintained and readily retrievable record which indicates, at least, the following information:
 - The name and dosage form of the drug;
 - The date of filling or refilling; and
 - The quantity dispensed.
 - The label affixed to the drug container of any prescription to a non-inpatient of the facility or institution must indicate the initials or other unique identifier of the pharmacist (and technician if one is used) who filled or refilled the prescription. No prescription may be filled or refilled for a period in excess of one ~~four~~ year from the date of the original issuance of the prescription by the prescriber.
 - The pharmacist-in-charge shall maintain or have access to the following records for at least ~~five~~ 5 years or as otherwise

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required by law:

- Records of medication orders and medication administration to patients;
 - Procurement records for controlled substances;
 - Records of packaging, bulk compounding or manufacturing; and
 - Records of actions taken pursuant to drug recalls.
- c) Labeling Requirements
- All medication repackaged by the pharmacy for future use inside the institution or facility and not intended for immediate dispensing to a specific patient shall be identified with the following information:
 - Single dose or multi-dose drugs, except parenteral solutions to which a drug(s) has been added, shall be labeled with:
 - Trade and/or generic name;
 - Strength (if applicable);
 - Expiration date; and
 - Reference code to identify source and lot number.
 - Parenteral solutions to which drugs have been added shall contain on the outer label:
 - Name, concentration and volume of the base parenteral solution;
 - Name and strength of drug(s) added;
 - Expiration date and time of the admixture; and
 - Reference code to identify source and lot number of drugs added.
 - All medication prepared by the pharmacy for immediate dispensing to a specific patient or resident in the institution or facility shall be identified with the following information:
 - Single dose or multi-dose drugs, except parenteral solutions to which a drug(s) has been added, shall be identified with:
 - Trade and/or generic name; and
 - Strength (if applicable).
 - Parenteral solutions to which drugs have been added shall be identified with:
 - Name, concentration and volume of the base parenteral solution;
 - Name and strength of drug(s) added; and
 - Expiration date and time of the admixture.
 - All medication dispensed to a specific patient in the institution shall be dispensed in a container identified with the name of the patient and the patient's location. Those institutions or facilities utilizing unit-dose and medication cart system may identify the name of the patient and the patient's location on the outside of the bin of the medication cart, when those carts are filled by the pharmacy.
 - Labels on all medications dispensed by the pharmacy for immediate dispensing to a discharge patient, emergency room patient and/or

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employee shall contain the following:

- A) The name and dosage form of the drug;
 - B) The date filled;
 - C) The quantity dispensed; and
 - D) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling.
- 4) Investigational New Drugs, authorized by the United States Food and Drug Administration, shall be dispensed pursuant to a valid prescription order of the principal physician-investigator or his authorized clinician. All investigational drugs shall be stored in and dispensed from the pharmacy and shall be identified with the following information:
- A) Name of drug and strength (if applicable);
 - B) Expiration date;
 - C) Reference code to identify source and lot number;
 - D) A label indicating "For Investigational Use Only"; and
 - E) Name and location of the patient. Those institutions or facilities utilizing unit-dose and medication cart system may identify the name of the patient and the patient's location on the outside of the bin of the medication cart, when those carts are filled by the pharmacy.

- 5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the face of the original prescription and record the date the copy is issued, to whom issued, and his signature on the face of the original prescription. Copies of prescriptions shall be marked "For Information Purposes Only" and require prescriber authorization to fill.

d) Staffing of the Pharmacy

- 1) No pharmacy shall be granted a certificate of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist may be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:

- A) Supervision of all the activities of all employees as they relate to the practice of pharmacy;
- B) Establishment and supervision of the method and manner for storage, dispensing and safekeeping of pharmaceuticals in all areas of the institution or facility, including maintenance of security provisions to be used when the pharmacy is closed. The following security provisions shall be utilized:

- i) The pharmacy shall be staffed at all times by a registered pharmacist during open hours; and
 - ii) There shall be no public access to the pharmacy, except as provided in Section 130.93(e)(1);
- C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and

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safekeeping of drugs;

- D) The development and implementation of a procedure to be utilized in the event of a drug recall which can be readily activated to assure that all drugs included on the recall are returned to the pharmacy for proper disposition;
 - E) Establishment of specifications for the procurement of all drugs which will be dispensed by the pharmacy; and
 - F) Establishment and supervision of a method of documenting an oral prescription from a licensed physician to a pharmacist and for transmission of that information to the appropriate members of the nursing staff of the institution or facility.
- 2) The operations of the pharmacy and the maintenance of security provisions are the responsibility of the pharmacist-in-charge whether the owner is a sole proprietor, partnership, association, corporation or any other entity.
- 3) Within 30 ~~ten--(10)~~ days after ~~of~~ the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge.
- 4) The departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substance:

- A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and
- B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.

- 5) The inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of ~~five--(5)~~ years. An affidavit attesting to the completion and preservation of the inventory record bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge shall be submitted to the Department of Professional Regulation, at its principal office, within 30 ~~ten~~ days after ~~of~~ the change in the pharmacist-in-charge.

- 6) Failure on the part of a registrant to provide the affidavit required in subsections (d)(4) and (5) above shall be grounds for denying an application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based on the recommendation of the Board.

- 7) When the accuracy, relevance or completeness of any submitted documentation is reasonably questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be required to:

- A) Provide such information as may be necessary; and/or
- B) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies of conflicts in information.

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- 2) The Department shall conduct an on-site inspection of the facility.
- c) The pharmacy shall have:
 - 1) Space commensurate with the scope of services provided, but at least 300 square feet; and
 - 2) Radioactive storage and product decay facility, separate from and exclusive of the "hot" laboratory, compounding, dispensing quality assurance and office areas.
- d) Each Division IV Pharmacy shall have the following equipment:
 - 1) Laminar Flow Hood;
 - 2) Fume Hood - minimum of 30 inches in height, which shall be vented through a filter with a direct outlet to the outside;
 - 3) Dose Calibrator;
 - 4) Refrigerator;
 - 5) Class A prescription balance or a balance of greater sensitivity;
 - 6) Single-channel or multi-channel gamma scintillation counter;
 - 7) Microscope;
 - 8) Low level, thin-window portable radiation survey meter;
 - 9) Drawing station - lead glass and lead lined;
 - 10) Syringe shields; and
 - 11) Energy Compensated Geiger Mueller (GM) Probe or ion chamber.
- e) Each Division IV Pharmacy shall have the following reference texts available:
 - 1) The current edition or revision of the United States Pharmacopoeia - Dispensing Information;
 - 2) The current edition or revision of the United States Pharmacopoeia/National Formulary;
 - 3) State and federal regulations governing the use of applicable radioactive material; and
 - 4) United States Public Health Service, Radiological Health Handbook.
- f) Pharmacist-in-Charge
 - 1) Designation as a Division IV pharmacy shall only be granted if the pharmacist-in-charge is a nuclear pharmacist meeting the requirements set forth in subsection (i). No registered pharmacist may be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of the pharmacist-in-charge shall include:
 - A) Supervision of all the activities of all employees as they relate to the practice of nuclear pharmacy;
 - B) Establishment and supervision of the recordkeeping system for the purchase, acquisition, disposition, sale, delivery, possession, storage and safekeeping of radiopharmaceuticals; and
 - C) Establishment and maintenance of security provisions, which shall include the following:
 - 1) There shall be no public access to the pharmacy hot lab/dispensing area; and

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- ii) In the absence of a nuclear pharmacist all radiopharmaceuticals shall be locked and accessible only to a nuclear pharmacist or an individual under direct supervision of the pharmacist; except, a licensed medical practitioner authorized to possess, use and administer radiopharmaceuticals may have access to radiopharmaceuticals in the absence of a nuclear pharmacist.
- 2) Within 30 days after of the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge.
- g) Dispensing Radiopharmaceuticals
 - 1) A radiopharmaceutical shall be dispensed only upon a prescription order from a licensed medical practitioner authorized to possess, use and administer radiopharmaceuticals.
 - 2) No radiopharmaceutical shall be dispensed in the absence of a nuclear pharmacist except, a licensed medical practitioner authorized to possess, use, dispense, and administer radiopharmaceuticals may dispense in the absence of a nuclear pharmacist.
 - 3) The amount of radioactivity in a preparation for dispensing shall be determined by radiometric methods for each individual preparation at the time of preparation, and calibrated for the anticipated time of administration.
- h) Labeling Requirements
 - 1) In addition to the labeling requirements of pharmaceuticals, as stipulated in the Act, the immediate outer container of a radioactive drug, diagnostic agent or device to be dispensed shall also be labeled to include:
 - A) The standard radiation symbol;
 - B) The words, "Caution-Radioactive Material";
 - C) The name of the radionuclide;
 - D) The name of the chemical form;
 - E) The amount of radioactive material contained, in millicuries or microcuries, in the container contents at the time of calibration;
 - F) If the container contents are in liquid form, the volume in milliliters;
 - G) The requested calibration time for the amount of radioactivity contained;
 - H) The prescription number; and
 - I) The name or initials of the nuclear pharmacist filling the prescription.
 - 2) The immediate container shall be labeled with:
 - A) The standard radiation symbol;
 - B) The words, "Caution-Radioactive Material";
 - C) The name and address of the pharmacy;
 - D) The prescription number;

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- E) Name of radionuclide; and
 F) Name of chemical form.

i) Nuclear Pharmacist Requirements--A nuclear pharmacist who serves as the pharmacist-in-charge of a Division IV pharmacy and all other pharmacists employed in the pharmacy shall provide evidence to the Department of the following:

- 1) Licensure as a pharmacist in the State of Illinois; and
- 2) That he/she is named as an authorized user or works under the supervision of a pharmacist who is named as an authorized user on a commercial nuclear pharmacy license issued by the Illinois Department of Nuclear Safety or in the case where a nuclear pharmacist, who works under a broad medical license at a university or research hospital, has been approved as a user by that institution's radiation safety committee in accordance with conditions of the license issued by the Illinois Department of Nuclear Safety.

j) Nothing in this part shall prohibit the operation of a nuclear medicine laboratory or any other department which is operated under the direct supervision of a licensed medical practitioner authorized to possess, use and administer radiopharmaceuticals.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1330.95 Division V Pharmacies

a) Pharmacies Required to Hold Division V Licenses

- 1) Pharmacies which are located in or provide service to ambulatory care facilities, schools of veterinary medicine or other institutions or facilities. In addition to other requirements of the Act and this Part, these pharmacies shall comply with this Section.

2) Pharmacies that hold Division II licenses and provide pharmacy services to the general public. In addition to other requirements of the Act and Rules, these pharmacies shall comply with Section 1330.92 and this Section.

3) Pharmacies that hold Division III licenses and provide pharmacy services to the general public. In addition to other requirements of the Act and Rules, these pharmacies shall comply with Section 1330.93 and this Section.

b) Recordkeeping Requirements for Filling Prescriptions

- 1) Every ~~written--and--oral~~ prescription filled or refilled shall contain the handwritten name, or initials or other unique identifier of the person authorized to practice pharmacy under the provisions of the Act who fills or refills the prescription. Additionally, the label affixed to the drug container must indicate the name, initials or other unique identifier of the person authorized to practice pharmacy in the State of Illinois

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who filled or refilled the prescription. No prescription may be filled or refilled for a period in excess of one ~~11~~ year from the date of the original issuance of the prescription by the prescriber.

- 2) Whenever a prescription, written or oral, is filled or refilled, by a registered pharmacy technician under the supervision of a pharmacist, the same shall contain the ~~handwritten~~ names, or initials or other unique identifier of both the supervising pharmacist and the registered pharmacy technician who fills or refills the same. Additionally, the label affixed to the drug container must indicate the same initials.

3) Refilling a Prescription

A) Each refilling of a prescription shall be entered on the prescription or on another uniformly maintained, readily retrievable record, which indicates by the number of the prescription the following information:

- i) The name and dosage form of the drug;
- ii) The date of each refilling;
- iii) The quantity dispensed;
- iv) The name or initials of the pharmacist and the pharmacy technician, if applicable, in each refilling; and

v) The total number of refills for the prescription.

B) If the pharmacist doesn't otherwise indicate in a uniformly maintained record ~~merely--dates--and--signs--or--initials--the~~ prescription, he shall be deemed to have dispensed a refill for the full face amount of the prescription.

- 4) Presentation of a written prescription copy or prescription label shall be for information purposes only and has no legal status as a valid prescription order. The recipient pharmacist of the copy or prescription label shall contact the prescribing practitioner to obtain a new prescription order.

5) A pharmacist providing a copy of a prescription to an ultimate consumer for the purpose of transfer or any other purpose shall cancel the face of the original prescription and record the date the copy is issued, to whom issued, and his/her signature on the face of the original prescription. Copies of prescriptions shall be marked "For Information Purposes Only", and may neither be filled nor refilled.

- 6) Subject to Section 18 of the Act, any information which is required to be kept pursuant to this Section may be recorded and stored in a computerized pharmaceutical information system which meets the standards of performance required by the regulations of the Drug Enforcement Administration (21 CFR 1306) (1998) ~~1998~~, and which contain no further amendments or editions, and shall include the capability to:
 - A) Retrieve the original prescription order information for those prescription orders which are currently authorized for

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refilling;

- B) Retrieve the current prescription orders which shall, at a minimum, include name of drug, date of refill, quantity dispensed, name and identification code of the manufacturer in the case of a generically written prescription or a generic interchange, name or initials of the dispensing pharmacist and technician for each refill, and the total number of refills dispensed to date;
- C) Supply documentation of the correctness of refill information entered into a system must be provided by the pharmacist using the system by way of a hard copy printout of each day's refill data which has been verified, dated and signed by the dispensing pharmacist. This printout must include for each script refilled at least the following information:
- The name and dosage form of the drug;
 - The date of each refilling;
 - The quantity dispensed;
 - The name or initials of the pharmacist in each refilling and the pharmacy technician, if applicable;
 - The patient's name;
 - The prescriber's name; and
 - The prescription number for the prescription.

In lieu of a printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in dispensing shall sign a statement each day attesting to the fact that the refill information entered into the computer that day has been reviewed by him/her and is correct as shown. The book or file must be maintained at the pharmacy employing the system for a period of 5 years after the date of dispensing the appropriately authorized refill.

- D) All refill data shall be maintained by the pharmacy on the premises for 5 years in accordance with Section 18 of the Act. ~~The hard-copy printout required in subsection (f) above shall be maintained for 2 years. The data for the remaining 3 years shall be maintained at the pharmacy either by hard-copy printout, microfiche or microfilm. If data is stored other than by the hard-copy printout, the pharmacy shall have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout shall be provided to upon request by the Department upon request within 48 hours.~~

c) Transfer of Prescription Information

- A prescription may be transferred between pharmacies for the purpose of original fill or refill dispensing provided that:
 - The transferor pharmacist invalidates the prescription on

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file and records to whom transferred, the date of issuance of the copy and the name of the transferor pharmacist issuing the transferred prescription order; and

B) The transferee pharmacist, upon receiving the prescription directly from another pharmacist, records the following:

- The name, address and original prescription number of the pharmacy from which the prescription was transferred;
 - All information constituting a prescription order including the following: name of drug, original amount dispensed, date of original issuance of the prescription and number of valid refills remaining; and
- C) The transferee pharmacist informs the patient that the original prescription has been cancelled at the pharmacy from which it has been transferred.
- A prescription for Schedule III, IV and V drugs may be transferred from original pharmacy one time for the purpose of refill dispensing and may not be transferred further. However, a pharmacist who is electronically sharing real-time on line computerized systems may transfer up to the maximum refills permitted by law and the prescriber's authorization in accordance with CFR 1306.26(a).
 - Computerized systems must satisfy all information requirements of subsection (c) above, including invalidation of the original prescription when transferred between pharmacies accessing the same prescription records or between pharmacies of the same ownership. If those systems that access the same prescription records have the capability of cancelling the original prescription, pharmacies using such a system are exempt from the requirements of subsection (c) if the transferred prescription can always be tracked to the original prescription order from the prescribing practitioner and the original prescription can be produced.

d) Staffing of the Pharmacy

- Whenever the hours of the pharmacy (prescription department) differ from those of the establishment in which the pharmacy is located, there shall be compliance with the following:
 - The schedule during which the practice of pharmacy is carried on in such pharmacy shall be conspicuously displayed.
 - When the pharmacy is closed, the public and any employees not registered under the Act are to be prohibited access to the area.
 - Whenever an establishment housing a pharmacy is open and a pharmacist is not present and available to provide pharmaceutical services as defined in Section 3 of the Act, a sign shall be conspicuously displayed stating in all

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capital letters: PHARMACIST NOT ON DUTY; STATE LAW PROHIBITS FILLING OF PRESCRIPTIONS IN THE ABSENCE OF A PHARMACIST.

- D) No prescription may be dispensed when a pharmacist is not physically present in the establishment and on duty.
- 2) The pharmacy must provide pharmaceutical services, as defined in Section 3 of the Act, to the public a minimum of 40 hours per week. A pharmacy is considered providing Pharmaceutical Services when a pharmacist is physically present in the establishment and available for consultation.

e) Pharmacist-in-Charge

- 1) No pharmacy shall be granted a certificate of licensure without a pharmacist being designated on the pharmacy license as pharmacist-in-charge. No pharmacist may be designated as a pharmacist-in-charge on more than one pharmacy license. The responsibilities of such pharmacist-in-charge shall include:

- A) Supervision of all the activities of all employees as they relate to the practice of pharmacy;
- B) Establishment and supervision of the method and manner for storage and safekeeping of pharmaceuticals, including maintenance of security provisions to be used when the pharmacy is closed, as set forth in Section 1330.75; and
- C) Establishment and supervision of the recordkeeping system for the purchase, sale, delivery, possession, storage and safekeeping of drugs.

- 2) The operations of the pharmacy are--the--responsibility--of--the pharmacist-in-charge, and the establishment and maintenance of security provisions are the dual responsibility of the pharmacist-in-charge and the owner of the pharmacy.

- 3) Within 30 ten--(10) days after of the change of a pharmacist-in-charge, the Department shall be so notified in writing by the departing pharmacist-in-charge.

- 4) In addition to notifying the Department within 30 10 days, the departing pharmacist-in-charge shall, on the effective date of the change, inventory the following controlled substances:

- A) All Schedule II drugs, as defined in the Illinois Controlled Substance Act, by actual physical count; and
- B) All other scheduled drugs, as defined in the Illinois Controlled Substance Act, by estimated count.

- 5) Such inventory shall constitute, for the purpose of this Section, the closing inventory of the departing pharmacist-in-charge and the initial inventory of the incoming pharmacist-in-charge. This inventory record shall be preserved in the pharmacy for a period of five-6 5 years. An affidavit attesting to the completion of the inventory and preservation of the inventory record, bearing the date of the inventory and the signatures of the departing and incoming pharmacist-in-charge, shall be submitted to the Department of Professional Regulation, at its principal office,

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within 30 ten--(10) days after of the change in the pharmacist-in-charge.

- 6) Failure on the part of a registrant to provide the information required in subsections (e)(3), (4) and (5) above shall be grounds for denying licensure application or renewal application for a pharmacy license or for disciplinary action against a registrant. Such action shall be based on the recommendation of the Board in accordance with Sections 30-39 of the Act and 68 Ill. Adm. Code 1110.

- 7) When the accuracy, relevance or completeness of any submitted documentation is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be required to:

- A) Provide such information as may be necessary; and/or
- B) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies or conflicts in information.

- f) Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any dispensed medications, chemicals, poisons or medical devices except for:

- 1) Medical devices that can be properly sanitized prior to reuse, resale or reagent; and
- 2) Medications and medical devices that are dispensed and stored under conditions defined and supervised by the pharmacist and are unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined by the current United States Pharmacopoeia (U.S.P.)/National Formulary or by the United States Pharmacopoeial Convention, Inc.

- g) Pharmacies that compound and dispense parenteral products shall comply with Section 1330.99 of this Part.

- h) Pharmacies that utilize automated dispensing and storage systems shall comply with Section 1330.98 of this Part.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1330.98 Automated Dispensing and Storage Systems

- a) This Section sets forth standards for Divisions I, II, III and V pharmacies whose practice includes the use of automated dispensing and storage systems. Such systems shall only be used in health-care facilities licensed under the Hospital Licensure Act, Nursing Home Care Act, the University of Illinois Hospital Act, or facilities operated by the Illinois Department of Corrections or Department of Human Services. Automated dispensing and storage systems shall not be used in Division IV pharmacies.

- b) Definitions
"Automated Dispensing and Storage Systems" include, but are not

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limited to, mechanical systems that perform operations or activities, other than counting, compounding, or administration, relative to the storage, packaging or dispensing of medications, and that collect, control, and maintain all transaction information.

c) Automated Dispensing and Storage Systems

- 1) Automated dispensing and storage systems may be utilized in Division I, Division II, Division III and Division V licensed pharmacies.
- 2) When automated dispensing systems are used in health care facilities licensed under the Hospital Licensing Act, Nursing Home Care Act, the University of Illinois Hospital Act, or facilities operated by the Illinois Department of Corrections or Department of Human Services, only ~~only~~ persons properly licensed under Illinois laws who have authority to administer medications or persons working under the direct supervision of those individuals shall have access for removal of prescription medications for patient use. When the systems are used within a licensed pharmacy, a pharmacist shall be responsible for dispensing the product. Automated dispensing and storage systems shall not be used for direct patient access to prescription medications.
- 3) Documentation as to type of equipment, serial numbers, content, policies and procedures, and location(s) shall be maintained on-site in the pharmacy for review by the Department. Such documentation shall include, but not be limited to:
 - A) Name and address of the pharmacy or facility where the automated dispensing and storage system is operational;
 - B) Manufacturer's name and model;
 - C) Quality assurance policy and procedures to determine continued appropriate use and performance of the automated device; and
 - D) Policies and procedures for system operation, safety, security, accuracy, patient confidentiality, access, controlled substances, data retention or archival, definitions, downtime procedures, emergency or first dose procedures, inspection, installation requirements, maintenance, medication security, quality assurance, medication inventory, staff education and training, system set-up and malfunction.
- 4) Automated dispensing and storage systems shall be used only in settings that ensure medication orders are reviewed by a pharmacist in accordance with established policies and procedures and good pharmacy practice.
- 5) Automated dispensing and storage systems shall have adequate security systems and procedures, evidenced by written pharmacy policies and procedures, to:
 - A) Prevent unauthorized access or use;
 - B) Comply with any applicable federal and State regulations;

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and

C) Maintain patient confidentiality.

6) Records and/or electronic data kept by automated dispensing and storage systems shall meet the following requirements:

- A) All events involving access to the contents of the automated dispensing and storage systems must be recorded electronically;
- B) Records must be maintained by the pharmacy and must be readily available to the Department. Such records shall include:
 - i) identity of system accessed;
 - ii) identification of the individual accessing the system;
 - iii) type of transaction;
 - iv) name, strength, dosage form and quantity of the drug accessed;
 - v) name of the patient for whom the drug was ordered;
 - vi) identification of the registrant(s) stocking or restocking and the pharmacist checking for the accuracy of the medications to be stocked or restocked in the automated dispensing and storage system; and
 - vii) such additional information as the pharmacist-in-charge may deem necessary.
- 7) The stocking or restocking of all medications in the automated dispensing and storage systems shall be accomplished by registrants under the Act.
- 8) All containers of medications stored in the automated dispensing and storage systems shall be packaged as a unit of use for single patient use (e.g., unit dose tab/cap, tube of ointment, inhaler, etc.) and labeled as specified below:
 - A) Parenteral solutions to which a drug(s) or diluent has been added, or which are not in their original manufacturer's packaging, shall contain the following information on the outer label:
 - i) Name, concentration and volume of the base parenteral solution;
 - ii) Name and strength of drug(s) or diluent added;
 - iii) Date and expiration date of the admixture. The expiration date, unless otherwise specified in the individual compendia monograph, or beyond use date, shall be no later than the expiration date on the manufacturer's container, one year from the date the drug is repackaged, or current federal (e.g., the Federal Drug Administration Act) or U.S.P. requirements, whichever is earlier; and
 - iv) Reference code to identify source and lot number of drug(s) or diluent added.
 - B) Non-parenterals repackaged for future use shall be identified with the following information:

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- i) Trade and/or generic name;
 ii) Strength (if applicable);
 iii) Expiration date. Unless otherwise specified in the individual monograph, the expiration date or beyond use date shall be no later than the expiration date on the manufacturer's container, one year from the date the drug is repackaged, or current federal or U.S.P. requirements, whichever is earlier; and
 iv) Reference code to identify source and lot number.
- C) Exceptions to the "unit of use" requirements in subsections (c)(8)(A) and (B) are as follows:
 i) Injectable medications stored in their original multi-dose vial (e.g., insulin, heparin) where the medication may be withdrawn into a syringe or other delivery device for single patient use; or
 ii) Over-the-Counter (OTC) products stored in their original multi-dose container (e.g., antacids, analgesics) where the medication may be withdrawn and placed into an appropriate container for single patient use.
- 9) For medication removed from the system for on-site patient administration, the system must document the following information:
 A) Name of the patient or resident;
 B) Patient's or resident's unique and permanent identifier, such as admissions number or medical records number;
 C) Date and time medication removed from the system;
 D) Name, initials, or other unique identifier of the person removing the drug; and
 E) Name, strength and dosage form of the drug or description of the medical device removed. The documentation may be on paper, via electronic media or via any other media or mechanisms as set forth by the Act or this Part or as approved by the Department.
- 10) The automated dispensing and storage systems shall provide a mechanism for securing and accounting for medications once removed from and subsequently returned to the automated dispensing and storage systems (e.g., return bin). No medication or device shall be returned directly to the system for immediate reuse or reuse by a non-registrant under the Act. Medication or devices once removed shall not be reused or reissued except for:
 A) Medical devices which can be properly sanitized prior to reuse or reissue; and
 B) Medication that is dispensed and stored under conditions defined and supervised by the pharmacist and are unopened in sealed, intact and unaltered containers that meet the standards for light, moisture and air permeation as defined

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- by the current U.S.P./National Formulary, or by the U.S.P. Conventions, Inc.
- 11) The automated dispensing and storage systems shall provide a mechanism for securing and accounting for wasted medications or discarded medications.
- 12) The quality assurance documentation for the use and performance of the automated dispensing and storage systems shall include at least the following:
 A) Safety monitors (e.g., wrong medications removed and administered to patient);
 B) Accuracy monitors (e.g., filling errors, wrong medications removed); and
 C) Security monitors (e.g., unauthorized access, system security breaches, controlled substance audits).
- 13) Errors in the use or performance of the automated dispensing and storage systems resulting in patient or resident death shall be reported to the Department by the pharmacist-in-charge within 30 days after acquiring knowledge of the incident.
- 14) Policy and procedures for the use of the automated dispensing and storage systems shall include a requirement for pharmacist review of the prescription or medication order prior to the system profiling and/or removal of any medication from the system for immediate patient administration. This does not apply to the following situations:
 A) The system is being used as an after hours cabinet for medication dispensing in the absence of a pharmacist as defined in Section 1330.93(e)(1);
 B) The system is being used in place of an emergency kit as defined in Section 1330.93(e)(2);
 C) The system is being used to provide access to medication required to treat the immediate needs of a patient as defined in Section 1330.93(e)(3). A sufficient quantity to meet the immediate needs of the patient may be removed until a pharmacist is on duty and available to review the prescription or medication order. A pharmacist shall check such orders promptly once on duty (e.g., floor stock system, emergency department, surgery, ambulatory care or same day surgery, observation unit, etc.).
- 15) Policies and procedures for the use of the automated dispensing and storage systems shall include the following:
 A) List of medications to be stored in each system;
 B) List of medications qualifying for emergency or first dose removal without pharmacist prior review of the prescription or medication order; and
 C) List of medications qualifying for control purposes.
- 16) The pharmacist-in-charge shall maintain or have access to all records or documentation specified in this Section for 5 years or as otherwise required by law.

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- 17) A copy of all pharmacy policies and procedures related to the use of an automated dispensing and storage system shall be maintained at all locations where the system is being used.
- d) Duties and Responsibilities of the Pharmacist-in-Charge
- 1) The pharmacist-in-charge shall be responsible for:
 - A) Assuming that the automated dispensing and storage system is in good working order and accurately provides the correct strength, dosage form and quantity of the drug prescribed while maintaining appropriate recordkeeping and security safeguards;
 - B) Establishment of a quality assurance program prior to implementation of an automated dispensing and storage system and the supervision of an ongoing quality assurance program that monitors appropriate use and performance of the automated dispensing and storage system, which is evidenced by written policies and procedures developed by the pharmacy;
 - C) Providing the Department with written notice 30 days prior to the installation of or at the time of removal of an automated storage and dispensing system. Such notice must include, but is not limited to:
 - i) the name and address of the pharmacy;
 - ii) the address of the location of the automated dispensing and storage system, if different from the address of the pharmacy;
 - iii) the automated dispensing and storage system's manufacturer and model;
 - iv) the pharmacist-in-charge; and
 - v) a written description of how the facility intends to use the automated storage and dispensing system;
 - D) Determining and monitoring access to and the limits on access (e.g., security levels) to the automated storage and dispensing system. Such access shall be defined by policies and procedures of the pharmacy and shall comply with State and federal regulations.
 - 2) Additional responsibilities of the pharmacist-in-charge or pharmacist designated by the pharmacist-in-charge shall include:
 - A) Authorizing the assigning of access to, discontinuing access to, or changing access to, the system;
 - B) Ensuring that access to the medications complies with State and federal regulations as applicable; and
 - C) Ensuring that the automated dispensing and storage system is stocked/restocked accurately and in accordance with established, written pharmacy policies and procedures.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 1330.99 Parenteral Product Standards

- a) This Section sets forth standards for Divisions I, II, III, IV and V pharmacies whose practice includes the preparation, labeling and distribution of parenteral products pursuant to prescriptions or drug orders, as defined in the Act. These activities may include, but are not limited to:

- 1) Sterile preparation of parenteral therapy, parenteral nutrition; and
 - 2) Sterile preparations of cytotoxic or antineoplastic agents.
- b) Definitions

Barrier Isolation Chamber - an apparatus designed to provide a Class 100 environment for preparation of sterile products using solid walls rather than air movement (laminar air flow) to create a critical zone for product handling, a HEPA filtration system that conditions the air flowing through the unit to remove initial particles and particles generated within the controlled environment, and a means by which products are introduced and people interact with the product being prepared within the unit.

Biological Safety Cabinet - containment unit suitable for the preparation of low to moderate risk agents when there is a need for protection of the product, personnel and environment, according to National Sanitation Foundation (NSF) Standard 49.

Cytotoxic - a pharmaceutical that has the capability of killing living cells. These agents shall include, but are not limited to, agents classified as cancer chemotherapeutic, carcinogenic, mutagenic and antineoplastic.

Laminar Airflow Hood - apparatus designed to provide a Class 100 environment for preparation of sterile products using air circulation in a defined direction that passes through a HEPA filter to remove the initial particles and particles generated within the controlled environment.

Parenteral - sterile preparations of drugs for injection through one or more layers of the skin.

Terminal - a patient whose medical condition indicates his/her life expectancy to be 6 months or less.

- c) Physical Requirements of Pharmacies Preparing Sterile Parenteral Products

- 1) The pharmacy shall have a designated area for preparing sterile parenteral products. The area shall be designed to minimize outside traffic and airflow disturbances from activity within the

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facility. It shall be of sufficient size to accommodate a laminar airflow hood, barrier isolation chamber or biological safety cabinet and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation and security. It shall be ventilated in a manner not interfering with the proper operation of the parenteral products preparation apparatus. ~~laminar-airflow hood-conditions:~~

2) The licensed pharmacy preparing sterile parenteral products shall have the following:

- A) Laminar airflow hood
 - i) Laminar airflow equipment shall be certified annually in accordance with Federal Standard 209E 2098 (for horizontal laminar airflow equipment) or National Sanitation Foundation Standard 49 (for vertical laminar airflow equipment).
 - ii) In the event the preparation apparatus ~~laminar equipment~~ is moved from its site of certification, recertification shall occur.
 - iii) Prefilters must be replaced or cleaned monthly and documentation of this maintained;
 - B) Sink with hot and cold running water, which is convenient to the compounding area;
 - C) Environmental Protection Agency approved disposal containers for used needles, syringes, etc., and if applicable, cytotoxic waste from the preparation of chemotherapy agents and infectious wastes;
 - D) Biohazard cabinetry for environment control when cytotoxic drug products are prepared;
 - E) Refrigerator and/or Freezer with a thermometer;
 - F) Temperature controlled container for off site deliveries.
- 3) The following current resource materials and texts shall be maintained in the pharmacy:
- A) United States Pharmacopoeia/National Formulary (U.S.P./NF);
 - B) American Hospital Formulary Service;
 - C) Copies of the Illinois Pharmacy Practice Act and Rules, the Illinois Controlled Substances Act and Rules, 21 CFR and the Illinois Hypodermic Syringes and Needles Act;
 - D) One compatibility reference such as:
 - i) Trissel's Handbook on Injectable Drugs;
 - ii) King's Guide to Parenteral Mixtures; or
 - iii) Any other Department approved publication;
 - E) A file on extended (more than 24 hours) stability data given to finished products.
- d) Staffing. A pharmacist shall be accessible at all times at each licensed facility to respond to patients' and health professionals' questions and needs. A 24-hour telephone number will be included on all labeling of compounded medication and medication infusion devices

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if off site.

e) Drug Distribution and Control

- 1) Patient Profile or Medication Record System. A pharmacy generated patient profile or medication record system must be separate from the prescription file. The patient profile or medication record system shall contain, at a minimum:
 - A) Patient's full name;
 - B) Date of Birth or Age;
 - C) Sex;
 - D) Sterile products dispensed;
 - E) Date dispensed, if off site;
 - F) Drug content and quantity;
 - G) Patient directions, if off site;
 - H) Identifying number;
 - I) Identification of dispensing pharmacist and, if applicable, pharmacy technician;
 - J) Other drugs patient is receiving;
 - K) Known drug sensitivities and allergies to drugs and foods;
 - L) Diagnosis; and
 - M) Lot numbers of components or individual medicine if product is not used within 48 hours of preparation.
- 2) Labeling. Each parenteral product dispensed to patients shall be labeled with the following information with a permanent label:
 - A) Name, address and telephone number of the licensed pharmacy, if not within facility;
 - B) Administration date and identifying number if used on site, date dispensed and identifying number if used off site;
 - C) Patient's full name and room number, if applicable;
 - D) Name of each drug, strength and amount;
 - E) Directions for use and/or infusion rate if used off site;
 - F) Prescriber's full last name if used off premises;
 - G) Required controlled substances transfer warnings, when applicable;
 - H) Expiration date and expiration hour;
 - I) Identity of pharmacist compounding and dispensing, or other authorized individual; and
 - J) Auxiliary labels, storage requirements if applicable.
- 3) The pharmacist-in-charge shall ensure that records are maintained for 5 years and are readily retrievable and in a format that provides enforcement agents an accurate and comprehensive method of monitoring distribution via an audit trail. The records shall include at least the following information:
 - A) Patient profile;
 - B) Medication Record System;
 - C) Purchase records; and
 - D) Lot numbers of the components used in compounding sterile prescriptions/orders traceable to a specific patient, if not included on patient profile and if the product is not

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- utilized within 48 hours of preparation.
- f) Delivery Service. The pharmacist-in-charge shall assure the environmental control of all products shipped or delivered off site. Therefore, any compounded, sterile pharmaceutical must be shipped or delivered to a patient in temperature controlled (as defined by U.S.P. Standards) delivery containers.
- g) Cytotoxic Drugs. The following additional requirements are necessary for those licensed pharmacies that prepare cytotoxic drugs:
- 1) Safety and containment techniques for compounding cytotoxic drugs shall be used.
 - 2) Disposal of cytotoxic waste shall comply with all applicable local, State and federal requirements.
 - 3) Prepared doses of cytotoxic drugs must be dispensed, labeled with proper precautions inside and outside and shipped in a manner to minimize the risk of accidental rupture of the primary container.
 - 4) Must have as a reference procedures for Handling Cytotoxic Drugs/American Society of Hospital Pharmacists (ASHP).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1330.130 Restoration

- a) A registrant seeking restoration of a certificate of registration which has expired for ~~less than five~~ 5 years or less shall have the license restored upon payment of all lapsed renewal fees required by Section 27 of the Act and proof of 30 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1330.140 of this Part.
- b) A registrant seeking restoration of a certificate of registration which has been placed on inactive status for ~~5 less than five~~ 5 years or less shall have the ~~his~~ license restored upon payment of the current renewal fee and proof of 30 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1330.140 of this Part.
- c) A registrant seeking restoration of a certificate of registration after it has expired or been placed on inactive status for more than ~~five~~ 5 years shall file an application, on forms supplied by the Department, together with the fee required by Section 27 of the Act and proof of 30 hours of continuing education (e.g., certificate of attendance or completion) in accordance with Section 1330.140 of this Part. The registrant shall also submit either:
- 1) Certification of active practice in another jurisdiction. Evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of active practice;
 - 2) An affidavit attesting to military service as specified in Section 12 of the Act. The applicant restoring a license shall

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- be excused from the payment of any lapsed fee or any restoration fees.
- 3) A registrant who is unable to submit proof of satisfaction of either subsection (c)(1) or (2), above, shall submit proof of completion of:
- A) 15 ~~five~~ 15 clock hours of refresher courses or continuing education for each year the license was expired;
 - B) Up to 400 hours of clinical practice under the supervision of a pharmacist.
- e) The course work or clinical training described in subsections (c)(3)(A) and (B), above, shall have the prior approval of the Board.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the registrant will be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies in information.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Respiratory Care Practice Act2) Code Citation: 68 Ill. Adm. Code 14563) Section Numbers:

1456.05	Repeal
1456.30	Amendment
1456.40	Amendment
1456.60	Amendment
1456.75	New Section
1456.90	Amendment
1456.110	Amendment

4) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this proposed rulemaking adds Section 1456.75 to accomplish that change. The requirement that continuing education sponsors submit programs 30 days prior to the course date is being deleted in Section 1456.110. Obsolete provisions are also being removed and various technical revisions are being made.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Jean A. Courtney
Department of Professional Regulation
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813 Fax#: 217/782-7645

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing respiratory care or continuing

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education for respiratory care practitioners.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Respiratory care skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the proposed amendments begins on the next page:

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Department, signed by an employer, or
B) three affidavits submitted by peers familiar with the
applicant's experience as a respiratory care practitioner,
2) A complete work history;
3) The required fee set forth in Section 75(a) of the Act;
4) Certification on forms provided by the Department, from a
jurisdiction in which the applicant was originally licensed and
is currently licensed, if applicable, stating:
A) The time during which the applicant was licensed in that
jurisdiction, including the date of original issuance of the
license; and
B) Whether the fee on the applicant contains any record of
disciplinary actions taken or pending.
b) When the accuracy of any submitted documentation or experience is
questioned by the Department or the Board because of lack of
information, discrepancies or conflicts in information given or a need
for clarification, the applicant seeking licensure shall be requested
to:
1) Provide such information as may be necessary; and/or
2) Appear for an interview before the Board to explain such
relevance or sufficiency, clarify information or clear up any
discrepancies or conflicts in information.
(Source: Repealed at 23 Ill. Reg. _____, effective
_____)

Section 1456.30 Application for Licensure on the Basis of Examination

a) An applicant for a respiratory care practitioner license shall apply
on forms approved by the Department. The application shall include:
1) Verification of successful completion of an approved respiratory
therapy program as set forth in Section 1456.20(e) of this Part.
2) Proof of passage of the Entry Level Certified Respiratory Therapy
Technician (CRTT) Examination or the Registered Respiratory
Therapist (RRT) Examination (Written Registry Examination and
Clinical Simulation Examination) of the National Board for
Respiratory Care submitted directly from the testing entity.
3) A complete work history.
4) The required fee specified in Section 1456.75 of this Part 75(a)
of the Act.
b) In lieu of the documents required in subsections (a)(1) and (2) above,
an applicant may submit certification as a Certified Respiratory
Therapist Technician or as a Registered Respiratory Therapist from the
National Board for Respiratory Care.
c) If the applicant has ever been licensed in another jurisdiction,
he/she shall also submit a certification, on forms provided by the
Department, from the jurisdiction in which the applicant was
originally licensed and in which the applicant is currently licensed,

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1456
RESPIRATORY CARE PRACTICE ACT

Section
1456.05 Application for Licensure as a Respiratory Care Practitioner Under
Section 50(b) of the Act (Grandfather) (Repealed)
1456.10 Definitions
1456.20 Approved Respiratory Care Training Program
1456.30 Application for Licensure on the Basis of Examination
1456.40 Application for Licensure for Graduates from a Nonapproved Program
1456.50 Examination
1456.60 Endorsement
1456.70 Renewals
1456.75 Fees
1456.80 Inactive Status
1456.90 Restoration
1456.100 Unprofessional Conduct
1456.110 Continuing Education
1456.120 Granting Variances
AUTHORITY: Implementing the Respiratory Care Practice Act [225 ILCS 106] and
authorized by Section 60(7) of the Civil Administrative Code of Illinois [20
ILCS 2105/60(7)].

SOURCE: Emergency rule at 21 Ill. Reg. 3730, effective March 11, 1997, for a
maximum of 150 days; emergency expired August 7, 1997; adopted at 21 Ill. Reg.
11751, effective August 11, 1997; amended at 22 Ill. Reg. 16508, effective
September 3, 1998; amended at 23 Ill. Reg. _____, effective
_____.

Section 1456.05 Application for Licensure as a Respiratory Care Practitioner
Under Section 50(b) of the Act (Grandfather) (Repealed)

a) Any person seeking a license under Section 50(b) of the Respiratory
Care Practice Act of the Act shall file an application with the
Department on forms provided by the Department; the application
shall be postmarked no later than January 1, 1998, and shall include
the following:
1) Verification of employment as a respiratory care practitioner as
defined in Section 3 of the Act for at least 3 of the 5 years
prior to January 1, 1996; Employment shall be documented by one
or more of the following:
A) Certification of experience on forms provided by the

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stating:

- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1456.40 Application for Licensure for Graduates from a Nonapproved Program

- a) An applicant for a respiratory care practitioner license from a nonapproved program shall apply on forms approved by the Department. The application shall include:

- 1) Transcripts and verification of successful completion of a respiratory therapy program which shall meet the requirements set forth in Section 1456.20 of this Part. The applicant shall be responsible for submitting the program materials for evaluation. If the documentation is insufficient to evaluate the program, the applicant will be requested to submit additional materials;
- 2) A complete work history; and
- 3) The required fee specified in Section 1456.75 ~~75(a)~~-of-the-Act.

- b) If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:

- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

- 2) A description of the examination in that jurisdiction; and
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- c) Upon approval of the applicant's program by the Department, the applicant may sit for the examination set forth in Section 1456.50 of this Part.

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- d) When the accuracy of any submitted documentation or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1456.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as a respiratory care practitioner shall file an application with the Department, on forms provided by the Department, which includes:

- 1) Verification of meeting education requirements as set forth in Section 1456.20 of this Part;
- 2) Proof of passage of the Entry Level Certified Respiratory Therapy Technician (CRTT) Examination or Registered Respiratory Therapists (RRT) Examination (Written Registry Examination and Clinical Simulation Examination) of the National Board for Respiratory Care submitted directly from the testing reporting service;
- 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
- 4) Complete work history; and
- 5) The required fee specified in Section 1456.75 ~~75(a)~~-of-the-Act.

- b) In lieu of the documents required in subsections (a)(1) and (2) above, an applicant may submit certification from the National Board for Respiratory Care.

- c) The Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or the applicant possesses individual qualifications which were substantially equivalent to the requirements of the Act.

- d) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

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(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1456.75 Fees

The following fees shall be paid to the Department and are not refundable:

- a) **Application Fees.**
- 1) The fee for application for a license as a respiratory care practitioner is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application for a continuing education sponsor is \$500. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.)
- b) **Renewal Fees.**
- 1) The fee for the renewal of a license shall be calculated at the rate of \$60 per year.
 - 2) The fee for the renewal as a continuing education sponsor is \$250.
- c) **General Fees**
- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as respiratory care practitioners in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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Section 1456.90 Restoration

- a) Any respiratory care practitioner whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1456.75 of the Act. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 1456.75 of the Act. Individuals restoring a license after April 30, 2001 will be required to submit proof of 24 hours of continuing education as set forth in Section 1456.110 of this Part. The applicant also shall submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice; or
 - 2) An affidavit attesting to military service as provided in Section 65(d) of the Act; or
 - 3) Proof of passage of a respiratory care examination set forth in Section 1456.50 of this Part during the period the registration was lapsed or on inactive status.
- c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 65 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) Upon recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1456.110 Continuing Education

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a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of respiratory care required during each prerenewal period. A prerenewal period is the 24 months preceding October 31 in the year of the renewal.
- 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 3) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 4) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.
- 5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 6) Respiratory Care Practitioners licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- 7) A renewal applicant shall receive 6 continuing education hours for passage of the Advanced Practitioner, Clinical Simulation or any other NBRC examination beyond entry level. CE credit will not be granted for examinations taken more than once.

b) Approved Continuing Education

- 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below.
- 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
- 3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.

c) Continuing Education Sponsors and Programs

- 1) Approved sponsor, as used in this Section, shall mean:
 - A) The American Association for Respiratory Care or its affiliates;
 - B) The Illinois Society for Respiratory Care or its affiliates;
 - C) American Medical Association or the Illinois State Medical Society or its affiliates;
 - D) American Hospital Association or Illinois Hospital Association or its affiliates;

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- E) Illinois Nurses Association or the American Nursing Association or its affiliates;
- F) American Lung Association or its affiliates; or
- G) Any other person, firm, association, corporation, or group that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.

- 2) Entities seeking a license as a CE sponsor shall file a sponsor application, along with the required fee set forth in Section 1456.75 of--§500. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
 - A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(8) below; and
 - C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.

- 3) ~~Each sponsor shall submit a written notice to the Department of a course offering at least 30 days prior to the course date. The notice shall include a course outline and the location, date and time the course is to be offered. The notice shall also contain the credit hours earned upon successful completion of the course.~~
 - 3) Each sponsor shall submit by October 31 of each odd numbered year a sponsor application along with the a-\$250 renewal fee set forth in Section 1456.75. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.

- 4) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the Department upon written request.
- 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of

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professional clinical skills and scientific knowledge in the practice of respiratory care;

- B) Provide experiences which contain scientific integrity, relevant subject matter and course materials; and
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program.

~~6)7)~~ All programs given by approved sponsors shall be open to all licensed respiratory care practitioners and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.

~~7)8)~~ Certificate of Attendance

- A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:

- i) The name and address of the sponsor;
- ii) The name and address of the participant and his/her respiratory care practitioner license number;
- iii) A detailed statement of the subject matter;
- iv) The number of hours actually attended in each topic
- v) The date of the program;
- vi) Signature of the sponsor.

- B) The sponsor shall maintain these records for not less than 5 years.

~~8)9)~~ The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.

~~9)10)~~ Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 111.0) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.

d) Continuing Education Earned in Other Jurisdictions

- 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or within 90 days after the renewal date. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.

- 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and

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recommend approval or disapproval of this program using the criteria set forth in this Section.

- e) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
- B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.

- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the

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application has been made.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: The Professional Engineering Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1380

3) Section Numbers: Proposed Action:
 1380.240 Amendment
 1380.250 Amendment
 1880.270 Amendment
 1380.275 New Section
 1380.280 Amendment
 1380.310 Amendment

4) Statutory Authority: The Professional Engineering Practice Act of 1989
 [225 ILCS 325]

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Professional Engineering Practice Act of 1989. Among its changes was elimination of the statutory fee Section of the Act, to be replaced with fees set by administrative rule; this proposed rulemaking adds Section 1380.275 to accomplish that change. Various technical revisions have also been made.

6) Will these Proposed Amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Professional engineering firms

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Professional engineering skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380

THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section	
1380.210	Approved Engineering Program
1380.220	Definition of Degree in Basic Engineering or Related Science
1380.230	Approved Experience
1380.240	Application for Enrollment as an Engineer Intern by Examination
1380.250	Application for Licensure as a Professional Engineer by Examination
1380.260	Examination
1380.270	Restoration
1380.275	Fees
1380.280	Endorsement
1380.285	Inactive Status
1380.290	Professional Design Firm
1380.300	Standards of Professional Conduct
1380.305	Professional Engineer Complaint Committee
1380.310	Renewals
1380.320	Granting Variances
APPENDIX A	Significant Dates for the Administration of Section 19 of the Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 16516, effective September 3, 1998; amended at 23 Ill. Reg. _____, effective _____.

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Section 1380.240 Application for Enrollment as an Engineer Intern by Examination

a) An applicant for enrollment as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:

- 1) Either:
 - A) Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program as set forth in Section 1380.210 of this Part; or
 - B) Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science evidenced by an official transcript of educational credit, and verification of at least 4 years of experience on form(s), completed by the supervisor.
 - i) An applicant shall have acquired the experience required by this Section prior to applying to the Department;
 - ii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEEE), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1);

2) The required fee specified in Section 1380.275 20-of-the-Act;

3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university;

4) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act;

5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine

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applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

- b) An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she is expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she fails on the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Department has received certification of graduation, as required by subsection (a)(1)(A), above. If certification of graduation is not received within one year after the first examination is taken, the results of the examination(s) will be void and the examination will have to be retaken.
- c) Upon receipt of the application and all supporting documentation in complete order:
 - 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination;
 - 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275 20-of-the-Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1380.250 Application for Licensure as a Professional Engineer by Examination

- a) Applicant enrolled as an Engineer Intern
 - 1) An applicant shall have acquired all experience required by Section 1380.240 prior to making application to the Department.
 - 2) An applicant for licensure as a professional engineer who is enrolled as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:
 - A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in basic engineering

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or related science, experience verification forms shall be completed for the entire 8 years of required experience.

- B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in another state or territory:

- i) A certification of such enrollment from the appropriate state board, including the date of the examination;^{7- and}
- ii) Completed college certification form showing degree received and, if the degree was not received from an approved engineering program, an official transcript of educational credit.

- iii) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from the National Council of Examiners for Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).

- iv) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer based test and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

- C) The required fee specified in Section 1380.275 20-of-the-Act.

- D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.

- E) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.

- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the

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Board for evaluation of the required education and experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275 20-of-the-Act.

- b) Applicant not enrolled as an Engineer Intern

- 1) An applicant shall have acquired all experience as required in Section 1380.240 prior to making application to the Department.
- 2) An applicant for registration as a professional engineer who is not enrolled or certified as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

A) Education:

- i) A degree from an approved Engineering Program. Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program, and completed experience verification form(s) completed by the supervisor, indicating the required 4 years of experience; or
- degree in Basic Engineering or Related Science. Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science; an official transcript of educational credit; and completed experience verification form(s) completed by the supervisor, indicating the required 8 years of experience.

- ii) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from the National Council of Examiners for Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).

- B) The required fee specified in Section 1380.275 20-of-the-Act.

- C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.

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- D) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.
- E) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education and required experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for both Part I and Part II of the examination, examination filing deadline, and the required examination fee as provided for in Section 1380.275 20-of-the-Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1380.270 Restoration

- a) A licensee seeking restoration of a license which has expired for 5 years or less shall have the license restored upon application to the Department and payment of the required fee fees specified in Section 1380.275 Sections-17-and-20-of-the-Act.
- b) A licensee seeking restoration of a license which has been placed on inactive status for 5 years or less shall have his certificate restored upon application to the Department and payment of the current renewal fee specified in Section 1380.275 Sections-17-and-20-of-the-Act.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department for review by the Board, together with the fee required by Section 1380.275 Sections-17-and-20-of-the-Act. The licensee shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;

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- 2) An affidavit attesting to military service as provided in Section 17 of the Act---if---application---is---made---within---2---years---of---discharge---and---if---all---other---provisions---of---Section---17---of---the---Act---are---satisfied---the---applicant---will---not---be---required---to---pay---a---restoration-fee-or-any-lapsed-renewal-fees;
- 3) Proof of passage of Part II of the examination provided in Section 1380.260 within the 5 years preceding restoration; or
- 4) Other evidence of continued competence in professional engineering. Other evidence shall include, but not be limited to:
- A) Employment in a responsible capacity by a licensed professional engineer as determined by the Board;
- B) Lawfully practicing professional engineering as an employee of a governmental agency;
- C) Teaching professional engineering in a college or university; or
- D) Attendance at educational programs in professional engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 17 of the Act will be required to pay only the current renewal fee.
- e)d) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license will be requested to:
- 1) provide such information as may be necessary; and/or
- 2) explain such relevance or sufficiency during an oral interview; or
- 3) appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director, an applicant shall have his license restored or will be notified of the reason for the denial of such application for restoration.
- e) If an applicant is denied restoration under subsection (c)(4), the applicant's license may be restored by taking and passing Part II of the examination as provided in Section 1380.260.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1380.275 Fees

The following fees shall be paid to the Department and are not refundable:

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a) Application Fees.

- 1) The fee for application for a license as a professional engineer is \$100.
- 2) The application fee for a certificate of enrollment as an engineer intern is \$20.
- 3) The application fee for a certificate of registration as a professional design firm is \$75. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

b) Renewal Fees.

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal of a certificate of registration as a professional design firm is \$75.

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fee charged by the testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as professional engineers or engineer interns in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

Section 1380.280 Endorsement

- a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of

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Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

- 1) The required fee specified in Section 1380.275 ~~20-of-the-Act~~.
- 2) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience.

- 3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of such examinations; and

C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.

- 4) A complete work history, on forms provided by the Department.
- 5) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.

- 6) In lieu of the documentation specified in subsections (a)(2), (3) and (5) above, an applicant may submit a current Council Record and Certification of Verification from NCEES.

- 7) Applicants who received their education in a foreign country and who were originally licensed in another jurisdiction after January 1, 1996, shall have the education evaluated, at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).

- 8) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In

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order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.

- 9) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

10) Acceptable Experience

A) Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, prior to taking the Principles and Practice of Engineering Examination shall be considered in compliance with the experience requirements of Section 10 of the Act:

- i) Under Section 10(a) of the Act, at least 3 years and 9 months of acceptable experience after receipt of the baccalaureate degree, or
- ii) Under Section 10(b) of the Act, at least 7 years and 9 months of acceptable experience after receipt of the baccalaureate degree.

B) Applicants not meeting the requirements of subsection (a)(10)(A) at the time of original or subsequent examination shall retake the Principles and Practice of Engineering Examination after meeting the necessary requirements.

- 11) Appendix A of this Part outlines the licensure requirements in force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.

b) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this state. The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:

- 1) Provide such information as may be necessary;
- 2) Appear for an oral interview(s) before the Board; and/or

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- 3) Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements may be required to have their education evaluated at their expense as set forth in subsection (a)(7).

d) The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1380.310 Renewals

a) Every license issued to an individual under the Act shall expire on November 30 of each odd numbered year. The holder of a license may renew such license for a two-year period during the month preceding the expiration date thereof by paying the fee required by Section 1380.275 20-of-the-Act.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd-numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee.

d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 24 of the Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: The Structural Engineering Licensing Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1480

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
1480.135	Amendment
1480.140	Amendment
1480.160	Amendment
1480.170	Amendment
1480.190	Amendment
1480.195	New Section

4) Statutory Authority: The Structural Engineering Licensing Act of 1989 [225 ILCS 340].

5) A Complete Description of the Subjects and Issues Involved: Public Act 91-132, effective January 1, 2000, is the sunset reauthorization of the Structural Engineering Licensing Act of 1989. Among its changes was elimination of the statutory fee Section of the Act, to be replaced with fees set by administrative rule; this proposed rulemaking adds Section 1480.195 to accomplish that change. Various technical revisions have also been made.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813 Fax #: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of structural engineers.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Structural engineering skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480

THE STRUCTURAL ENGINEERING LICENSING ACT OF 1989

Section

- 1480.10 Statutory Authority (Repealed)
- 1480.20 Licensure (Repealed)
- 1480.30 Approved Education Qualifications (Repealed)
- 1480.40 Approved Experience Qualifications (Repealed)
- 1480.45 Renewals (Renumbered)
- 1480.50 Restoration of Expired Certificate (Repealed)
- 1480.60 Granting Variances (Renumbered)
- 1480.110 Approved Structural Engineering Curriculum
- 1480.120 Definition of Degree in Related Science
- 1480.130 Approved Experience
- 1480.135 Application for Enrollment as a Structural Engineer Intern by Examination
- 1480.140 Application for Licensure by Examination
- 1480.150 Examination
- 1480.160 Restoration
- 1480.170 Endorsement
- 1480.180 Inactive Status
- 1480.190 Renewals
- 1480.195 Fees
- 1480.200 Professional Design Firm
- 1480.210 Standards of Professional Conduct
- 1480.215 Structural Engineer Complaint Committee
- 1480.220 Granting Variances (Renumbered)

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg.

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14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. 13844, effective October 1, 1997; amended at 23 Ill. Reg. _____, effective _____.

Section 1480.135 Application for Enrollment as a Structural Engineer Intern by Examination

- a) An applicant for enrollment as an Structural Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:
 - 1) Either:
 - A) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. Official college transcript showing all coursework completed and conferral of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; or
 - B) A degree in a related science as set forth in Section 1480.120. Official college transcript showing all coursework completed and conferral of a bachelor of science degree in a related science; and completed experience verification form(s), indicating the required 4 years of approved experience; ⁷
 - 2) The required fee specified in Section 1480.195 ~~17-of-the-Act~~;
 - 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of such participation with a brief description of the program, from the university and verification of supervision;
 - 4) A complete work history indicating all employment since receipt of a baccalaureate degree; ⁷ and
 - 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the TOEFL computer-based test and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English; ⁷
 - 6) An applicant shall have acquired the experience required by this Section after conferral of the degree and prior to applying to the Department; ⁷
 - 7) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for

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Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in this Section and Section 1270.15.

- b) Upon receipt of the application and all supporting documentation in complete order:

1) Persons with degrees from an engineering program that has been reviewed and approved by the Board will be reviewed by the Board and notified of their eligibility to register for the Fundamentals of Engineering Examination.

2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required education and experience based on the criteria specified in Sections 1480.110 and 1480.130. Once the applications have been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering Examination, the examination filing deadline and the required examination fee as provided for in Section 1480.195 i7-of-the-Act.

- c) The Fundamentals of Engineering Examination will be waived for individuals who have taken and passed the Fundamentals of Engineering Examination for licensure as an Engineer Intern or Professional Engineer.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1480.140 Application for Licensure by Examination

- a) Applicant enrolled as a Structural Engineer Intern or Engineer Intern
- 1) An applicant shall have acquired all experience required by Section 1480.130 prior to making application to the Department.

2) An applicant for licensure as a structural engineer who is enrolled as a Structural Engineer Intern or Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:

A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in a related science, experience verification form(s) shall be completed for the entire 8 years of required experience as set forth in Section 1480.130.

- B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in Illinois or another state or territory:

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- i) A certification of such enrollment from the appropriate state board, including the date of the examination; and
- ii) Official college transcripts showing coursework completed and degree received.

C) The required fee specified in Section 1480.195 i7-of-the-Act.

- D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of such participation with a brief description of the program, from the university and verification of supervision.

E) A complete work history indicating all employment since receipt of a baccalaureate degree and verification of supervision.

- b) Applicant not enrolled as a Structural Engineer Intern or an Engineer Intern

1) An applicant shall have acquired all experience as required in Section 1480.130 prior to making application to the Department.

2) An applicant for registration as a Structural Engineer who is not enrolled or certified as a Structural Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:

A) Verification of experience indicating the approved experience as set forth in Section 1480.130 of this Part;

B) Certification of education of one of the following:

- i) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. An official transcript of educational credit showing receipt of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; an official transcript of educational credit; and completed experience certification form(s) indicating the required 4 years of approved experience, except as provided in subsection (c) of this Section; or

ii) A degree in a related science as set forth in Section 1480.120. An official transcript of educational credit showing receipt of a bachelor of science degree in a related science; an official transcript of educational credit; and completed experience certification form(s), indicating the required 8 years of approved experience;

- C) A complete work history, on forms provided by the Department, indicating all employment since receipt of a baccalaureate degree; and

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D) The required fee specified in Section 1480.195 17-of-the-Act

c) If an applicant has ever been licensed in another jurisdiction, certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the following:

- 1) The date of issuance of the applicant's license and the current status of such license;
 - 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
 - 3) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
- d) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicant's shall obtain the forms from the National Council of Examiners for Engineer (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to the Department to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120.
- e) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the TOEFL computer-based test and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English.

f) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Section 1480.110 and 1480.130. Once the application has been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering, Structural I and Structural II examinations, the examination filing deadline and the required examination fee as provided for in Section 1480.195 17-of-the-Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1480.160 Restoration

a) A licensee seeking restoration of his license which has expired for less than 5 years shall have the his license restored upon application to the Department and payment of the required fee specified in Section 1480.195 Section-14-and-17-of-the-Act.

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b) A licensee seeking restoration of a his license which has been placed on inactive status for less than 5 years shall have the license his certificate restored upon application to the Department and payment of the current renewal fee specified in Section 1480.195 Sections-14--and-17-of-the-Act.

c) A licensee seeking restoration of a his license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department for review by the Board, together with the fee required by Section 1480.195 Sections--14 and-17-of-the-Act. The licensee shall also submit either:

- 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
- 2) An affidavit attesting to military service as provided in Section 14 of the Act--if--application--is--made--within--2--years--of--discharge--and--if--all--other--provisions--of--Section-14--of--the--Act--are--satisfied--the--applicant--shall--not--be--required--to--pay--a--restoration--fee--or--any--lapsed--renewal--fees;
- 3) Proof of passage of Part II of the examination provided in Section 1480.150 within the 5 years preceding restoration; or
- 4) Other evidence of continued competence in structural engineering.

A) Employment in a responsible capacity by a licensed structural engineer as determined by the Board;

B) Lawfully practicing structural engineering as an employee of a governmental agency;

C) Teaching structural engineering in a college or university; or

D) Attendance at educational programs in structural engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.

d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 14 of the Act will be required to pay only the current renewal fee.

e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience required by subsection (c)(4) above is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency when the information available to the Board is insufficient to evaluate the individual's current

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competency to practice under the Act. Upon recommendation of the Board, and approval by the Director, an applicant shall have the ~~his~~ license restored or shall be notified of the reason for the denial of such application for restoration.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1480.170 Endorsement

a) Any person who holds an unexpired certificate of registration or license to practice structural engineering, issued under the laws of another state or territory and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

- 1) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction (i.e., a separate written 16 hour structural engineering examination and the Fundamentals of Engineering examination), including certification of education, and verification of experience;
- 2) A certification by the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that jurisdiction and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any disciplinary action taken or pending against the applicant;

- 3) If the qualifications of the applicant at the time of original licensure did not meet the requirements for licensure in this State at that time, the applicant may submit additional certifications of other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure;
- 4) A complete work history, on forms provided by the Department, indicating all employment since receipt of the baccalaureate degree;
- 5) The required fee set forth in Section 1480.195 ~~3743~~ of the Act;
- 6) Applicants who received their education in a foreign country and who were originally licensed after January 1, 1997 shall have the education evaluated at their expense. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The Board will review all transcripts and the evaluation submitted to

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the Department to determine if the education meets the requirements set forth in Section 1480.110 and 1480.120; and

7) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a score of 50, for applicants who were originally licensed in another jurisdiction ~~apply~~ after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English.

- b) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering curriculum, has achieved special honors or awards, has had numerous articles published in professional journals, has participated in the writing of textbooks relating to structural engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of structural engineering.

- c) In order to provide background in structural engineering experience, an applicant licensed as a structural engineer in another state or territory, and who has met all previously stated requirements may be requested to appear before the Board for an oral interview at which questions will be asked to determine the applicant's qualifications and knowledge of structural engineering (see Section 1480.160(a)(4)(B)). Specifically, questions may explore the applicant's knowledge concerning the design of concrete, structural steel, timber, masonry and foundations and analysis procedures, design codes, materials and recommended practices for design and construction.

- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:
 - 1) Provide information as may be necessary;
 - 2) Appear for oral interviews before the Board; and/or

- 3) Applicants who were licensed prior to January 1, 1997, upon review of the educational requirements, may be required to have their education evaluated at their expense as set forth in subsection (a)(6).

e) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the

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requirements then in force in this State. After review of the application the Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement shall automatically be reviewed under the provisions of Section 1480.140.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1480.190 Renewals

a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 1480.195 ~~17-of~~ ~~the-Act~~. Starting with the 1996 renewal, all licensees must submit satisfactory evidence of knowledge in seismic design in order to renew their licenses.

1) The seismic design requirement can be satisfied by any one of the following:

A) Passage of the NCEES Structural II PM Examination administered by Illinois effective with the April 1991 administration or passage of the Western States Structural Examination or the NCEES Structural II PM Examination administered by all other jurisdictions beginning with the spring 1993 administrations. Evidence of passage of one of the above-identified examinations shall be submitted by the licensee and may be a copy of the licensee's pass notice;

B) Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. The licensee shall submit the course title and catalog course description to the Board for approval prior to taking the course. Evidence of completion shall be a college transcript. Audited courses are not acceptable;

C) Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours (1.6 continuing education units or 1 semester hour of university credit) of lectures. Evidence of completion shall be by means of a valid certificate of completion signed by the providers of the seminar or an official transcript from the university. Audited courses are not acceptable; or

D) Evidence that the licensee has taught a Board approved professional seminar or course dealing with seismic design that is part of an approved engineering curriculum or has conducted significant research into the problems of seismic

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resistance of structures and published the results of the significant research.

2) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsections subsection (a)(1)-(B), (C) and (D) above:

A) Effects of earthquakes on buildings or bridges;

B) Structural standards and specifications for buildings or bridges;

C) Concepts in structural dynamics;

D) Seismic loading including seismicity;

E) Seismic response analysis; and

F) Seismic design concepts including concrete, steel, other structural materials and foundations.

b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee and submitting a current listing of structural engineers licensed in Illinois that are employed by the firm.

d) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 20 of the Act.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1480.195 Fees

The following fees shall be paid to the Department and are not refundable:

a) Application Fees.

1) The fee for application for a license as a structural engineer is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The application fee for a license as a structural engineer intern is \$50.

3) The application fee for a certificate of registration as a professional design firm is \$75.

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b) Renewal Fees.

- 1) The fee for the renewal of a structural engineer license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal of a certificate of registration as a professional design firm is \$75.

c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the tabulation of the score of an examination administered by the Department reviewed and verified is \$20 plus any fee charged by the testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as structural engineers or structural engineer interns in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Veterinary Medicine and Surgery Practice Act of 1994
- 2) Code Citation: 68 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1500.10	Amendment
1500.11	Amendment
1500.30	Amendment
1500.35	Amendment
1500.47	New Section
- 4) Statutory Authority: Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 91-454, effective January 1, 2000, replaces the Act's statutory fees with fees set by administrative rule; this proposed rulemaking adds Section 1500.47 to accomplish that change. Various technical revisions are also proposed.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 (217)785-0813 Fax#: (217)782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those offering the services of a veterinarian

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B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Veterinary
medical skills are necessary for licensure

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1500

VETERINARY MEDICINE AND SURGERY PRACTICE ACT OF 1994

Section

1500.5	Approved Veterinary Medicine and Surgery Programs
1500.10	Application for Examination by Graduates of Approved Programs
1500.11	Application by Graduates of Unapproved Programs
1500.15	Temporary Permit
1500.20	Examination
1500.25	Continuing Education
1500.30	Endorsement
1500.35	Restoration
1500.45	Renewals
1500.47	Fees
1500.49	Supervision
1500.50	Standards of Professional Conduct
1500.51	Impaired Veterinarian Program of Care, Counseling or Treatment
1500.55	Advertising
1500.60	Conduct of Hearings (Repealed)
1500.65	Annual Report of Board
1500.70	Granting Variances

AUTHORITY: Implementing the Veterinary Medicine and Surgery Practice Act of 1994 [225 ILCS 115] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations promulgated for the Administration of the Illinois Veterinary Medicine and Surgery Practice Act, effective January 1, 1984; amended at 2 Ill. Reg. 23, p. 13, effective June 10, 1978; codified at 5 Ill. Reg. 11070; amended at 6 Ill. Reg. 2004, effective January 30, 1982; Part repealed, new Part adopted at 9 Ill. Reg. 16327, effective October 10, 1985; amended at 11 Ill. Reg. 20966, effective December 9, 1987; transferred from Chapter I, 68 Ill. Adm. Code 500 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1500 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2982; amended at 13 Ill. Reg. 3826, effective March 10, 1989; amended at 15 Ill. Reg. 16702, effective October 30, 1991; amended at 18 Ill. Reg. 11212, effective June 30, 1994; amended at 19 Ill. Reg. 12488, effective August 18, 1995; amended at 22 Ill. Reg. 15353, effective August 10, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 1500.10 Application for Examination by Graduates of Approved Programs

- a) An applicant for examination for licensure to practice veterinary

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medicine and surgery who is a graduate of an approved program of veterinary medicine and surgery that meets the requirements set forth in Section 1500.5 shall file an application with the Department or its designated testing service on forms supplied by the Department at least 60 days prior to an examination date. The application shall include:

- 1) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;
- 2) Certification of successful completion of at least 2 years of pre-veterinary collegiate training, and graduation from an approved program of veterinary medicine and surgery;
- 3) The required fee specified in Section 1500.47 of this Part ~~14-of~~ **the-Act**; and
- 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of any disciplinary actions taken or pending.

b) Examination prior to graduation

- 1) An applicant enrolled in an approved veterinary program will be admitted to an examination prior to graduation if he/she provides certification from the college of veterinary medicine from which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination(s) shall be void.
- 2) The results of such examination(s) shall be made available to the applicant but no license shall be issued until the Department has received certification of the applicant's graduation, within 90 days after the scheduled graduation date specified in subsection (b)(1) above.

- 3) In the case of failure of the examination, the applicant must submit his/her certificate of graduation to the Department or its designated testing service prior to taking the next examination.
- c) An applicant who has taken and passed the examination pursuant to Section 1500.20 in another jurisdiction shall file an application in accordance with subsection (a) above and have the examination scores submitted to the Department directly from the testing entity.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1500.11 Application by Graduates of Unapproved Programs

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- a) An applicant for examination who is a graduate of an unapproved program of veterinary medicine and surgery shall file an application, on forms supplied by the Department, and shall be accompanied by the following:

- 1) A complete work history indicating all employment since graduation from a veterinary program to the time of application;
- 2) A verification of enrollment from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG) indicating that the applicant has met all of the requirements for ECFVG certification except for completion of the proficiency examination or the completion of 1 year of clinical experience;
- 3) The required fee specified in Section 1500.47 ~~14-of-the-Act~~;
- 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending;

- b) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG). Application shall be filed on forms supplied by the Department and shall be accompanied by the following:
 - 1) A complete work history indicating employment since graduation from a veterinary program to the time of application.
 - 2) An original certificate from the ECFVG indicating completion of the proficiency examination or the completion of 1 year of clinical experience.
 - 3) The required fee specified in Section 1500.47 ~~14-of-the-Act~~.
 - 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- 5) Applicants who submit any document in a foreign language shall submit an original, notarized English translation.

- b) An applicant for licensure who is a graduate of an unapproved program of veterinary medicine and surgery must hold a certificate from the American Veterinary Medical Association Educational Commission of Foreign Veterinary Graduates (ECFVG). Application shall be filed on forms supplied by the Department and shall be accompanied by the following:

- 1) A complete work history indicating employment since graduation from a veterinary program to the time of application.
- 2) An original certificate from the ECFVG indicating completion of the proficiency examination or the completion of 1 year of clinical experience.
- 3) The required fee specified in Section 1500.47 ~~14-of-the-Act~~.
- 4) Certification of licensure from all jurisdictions in which the applicant has ever been licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction;
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- 5) Applicants who submit any document in a foreign language shall

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submit an original, notarized English translation.

- c) At such time as a foreign graduate obtains the PCFVG certificate and applies for licensure in Illinois the scores shall be sent to the Department directly from the reporting entity. The passing score on the examinations shall be the passing scores established by the testing entity. Prior to January 1994, the passing score on the examination was a converted score of 75 based on 1.5 standard deviations below the mean.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1500.30 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction of the United States shall file an application with the Department, together with:

1) A certification from the licensing authority of all jurisdictions in which the applicant has ever been licensed and is currently licensed, stating:

- A) The time during which the applicant was licensed;
 B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 C) A brief description of the examination and the grades received;

2) A complete work history indicating all employment since graduation from an approved veterinary program to the time of application;

3) Certification of successful completion of at least 2 years of preveterinary collegiate training and graduation from an approved program of veterinary medicine and surgery; and

4) The required fee set forth in Section 1500.47 ~~14-of-the-Act~~.

- b) The Department shall examine each application to determine compliance with Section 13 of the Act. The applicant may be required to appear before the Board:

- 1) To clarify or explain information contained on the submitted documentation; or
 2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1500.35 Restoration

- a) A licensee seeking restoration of a license that has been expired for 5 years or less shall have the license restored upon payment of \$20 \$40 plus all lapsed renewal fees as specified in Section 1500.47 ~~14-of~~

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~~the--Act~~ and proof of completion of the continuing education requirements set forth in Section 1500.25 for a single renewal period.

- b) A licensee seeking restoration of a license that has been expired or on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee specified in Section 1500.47 ~~14-of-the-Act~~. The licensee shall also submit ~~either~~:

- 1) Sworn evidence of active practice in another jurisdiction. This evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice;
 2) An affidavit attesting to military service as provided in Section 15 of the Act; or

3) Evidence of other experience within the profession, other than active practice (such as research, teaching or publishing) during the time when the license was expired, and proof of completion of the continuing education requirements for a single renewal period.

- c) A licensee seeking restoration of a license that has been on inactive status for 5 years or less shall file an application, on forms provided by the Department, together with proof of completion of continuing education requirements for a single renewal period and the current renewal fee.

- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 15 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1500.47 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a veterinary license is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and

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providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$50 per year.

c) General Fees.

1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, but not to exceed \$300.

2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for a certification of a licensee's record for any purpose is \$20.

4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.

5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

6) The fee for a roster of persons licensed as veterinarians or veterinary technicians in this State shall be the actual cost of producing the roster.

(Source: Added at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
310.230 Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) Effective Date of Amendments: September 21, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: May 28, 1999; Issue #28; 23 Ill. Reg. 6198.
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? Yes
- 14) Are there any proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.470	Amend	23 Ill. Reg. 5215
310.280	Amend	23 Ill. Reg. 5973
310.230	Amend	23 Ill. Reg. 6720
310.110	Amend	23 Ill. Reg. 7820
310.130	Amend	23 Ill. Reg. 7820
310.290	Amend	23 Ill. Reg. 7820
310.530	Amend	23 Ill. Reg. 7820
310.540	Amend	23 Ill. Reg. 7820
310.Appendix B	Amend	23 Ill. Reg. 7820
310.Appendix C	Amend	23 Ill. Reg. 7820
310.Appendix D	Amend	23 Ill. Reg. 7820

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

310.Appendix G Amend 23 Ill. Reg. 7820
 310.230 Amend 23 Ill. Reg. _____
 310.270 Amend 23 Ill. Reg. _____
 310.Appendix A, Table AA Amend 23 Ill. Reg. _____

- 15) Summary and Purpose of Amendment: In Section 310.230, Part-time Daily or Hourly Special Services Rate, the part-time hourly rate for the Laborer (Maintenance) was changed from \$5.15 - \$5.70 to \$6.20 - \$6.75 at the request of the Department of Transportation. This increase was requested to allow for the movement of these salaries in conjunction with their existing program of hiring high school graduates or equivalent for their seasonal program.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Mr. Michael Murphy
 Address: Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 Telephone: (217) 782-5601

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	Policy and Responsibilities
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310.30	Pay Schedules
310.40	Definitions
310.50	Conversion of Base Salary to Pay Period Units
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310.430	Merit Compensation Salary Schedule
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310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.456	Other Pay Increases
310.460	Adjustment
310.470	Decreases in Pay
310.480	Other Pay Provisions
310.490	Broad-Band Pay Range Classes
310.495	Definitions
310.500	Conversion of Base Salary to Pay Period Units
310.510	Conversion of Base Salary to Daily or Hourly Equivalents
310.520	Implementation
310.530	Annual Merit Increase Guidechart for Fiscal Year 1999
310.540	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.550	

APPENDIX A Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

TABLE AA HR-916 (Department of Natural Resources, Teamsters)

TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)

TABLE C RC-069 (Firefighters, AFSCME) (Repealed)

TABLE D HR-001 (Teamsters Local #726)

TABLE E RC-020 (Teamsters Local #330)

TABLE F RC-019 (Teamsters Local #25)

TABLE G RC-045 (Automotive Mechanics, IFPE)

TABLE H RC-006 (Corrections Employees, AFSCME)

TABLE I RC-009 (Institutional Employees, AFSCME)

TABLE J RC-014 (Clerical Employees, AFSCME)

TABLE K RC-023 (Registered Nurses, INA)

TABLE L RC-008 (Boilermakers)

TABLE M RC-110 (Conservation Police Lodge)

TABLE N RC-010 (Professional Legal Unit, AFSCME)

TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)

TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)

TABLE Q RC-033 (Meat Inspectors, IFPE)

TABLE R RC-042 (Residual Maintenance Workers, AFSCME)

TABLE S HR-012 (Fair Employment Practices Employees, SEIU)

TABLE T HR-010 (Teachers of Deaf, IFT)

TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

TABLE V CU-500 (Corrections, Meet and Confer Employees)

TABLE W RC-062 (Technical Employees, AFSCME)

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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1999
APPENDIX C	Medical Administrator Rates for Fiscal Year 1999
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1999
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1999

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1987; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective November 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 664, effective January 1, 1999; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. ~~11111~~ **12429**, effective

SEP 21 1999

SUBPART B: SCHEDULE OF RATES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this pay plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	8.28 to 10.15 (hourly)
Building/Grounds Lead I	5.15 to 6.00 (hourly)
Building/Grounds Lead II	5.15 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.15 to 6.00 (hourly)
Chemist I	39 to 70 (daily)
Conservation/Historic Preservation Worker	39 to 45 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	5.15 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	5.15 to 6.50 (hourly)
Dentist I	5.15 to 6.50 (hourly)
Dentist II	70 to 150 (daily)
Educator	100 to 185 (daily)
Educator Aide	39 to 85 (daily)
Guard II	39 (daily)
Guard III	67 to 84 (daily)
Hearing and Speech Advanced Specialist	75 to 96 (daily)
Hearings Referee	15 to 30 (hourly)
Janitor I	75 to 200 (daily)
Labor Maintenance Lead Worker	5.15 to 5.30 (hourly)
Labor Relations Investigator	5.15 to 6.00 (hourly)
Laborer (Maintenance)	39 to 70 (daily)
Maintenance Worker	6.20 to 6.75 5:15-6:57:00 (hourly)
Occupational Therapist	5.15 to 5.00 (hourly)
Program Coordinator	40 to 160 (daily)
Office Aide	8.36 to 11.03 (hourly)
	62 to 83 (daily)

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NOTICE OF ADOPTED AMENDMENT

Office Assistant	9.44 to 12.74 (hourly)
	70 to 96 (daily)
Office Associate	10.10 to 13.84 (hourly)
	75 to 104 (daily)
Office Clerk	8.83 to 11.83 (hourly)
	66 to 89 (daily)
Optometrist	15 to 35 (hourly)
	50 to 160 (daily)
Physician	100 to 300 (daily)
Physician Specialist (A)	20 to 60 (hourly)
	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
	100 to 350 (daily)
Physician Specialist (C)	20 to 105 (hourly)
	100 to 360 (daily)
Physician Specialist (D)	20 to 115 (hourly)
	100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	39 to 80 (daily)
Psychologist II	40 to 125 (daily)
Psychologist III	40 to 150 (daily)
Recreation Worker I	5.33 (hourly)
	40 to 45 (daily)
Registered Nurse I	39 to 54 (daily)
Registered Nurse I	41 to 56 (daily)
(2nd or 3rd shift)	
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County -	44 to 59 (daily)
2nd or 3rd shift)	
Registered Nurse II	43 to 58 (daily)
Registered Nurse II	44 to 59 (daily)
(2nd or 3rd shift)	
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County -	47 to 62 (daily)
2nd or 3rd shift)	
Revenue Tax Specialist I	11.56 to 16.16 (hourly)
	86 to 122 (daily)
Social Worker II	39 to 75 (daily)
Social Worker III	39 to 80 (daily)
Student Worker	5.15 to 8.00 (hourly)
Technical Advisor II	32 to 35 (hourly)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Technical Advisor III	32 to 60 (hourly)
Veterinarian II	95 to 130 (daily)
(Source: Amended at 23 Ill. Reg. <u>12 42 9</u> , effective <u>SEP 21 1999</u>)	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

2) Code Citation: 89 Ill. Adm. Code 553

3) Section Numbers: Adopted Action:

553.130 Amended
553.140 Amended
553.150 Amended

4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Rulemaking: 9/28/99

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 28, 1999, 23 Ill. Reg. 6200

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Difference between proposal and final version: none

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
Yes

14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
553.20	Amended	23 Ill. Reg 7/2/99
553.30	Amended	23 Ill. Reg 7/2/99
553.35	Amended	23 Ill. Reg 7/2/99
553.40	Amended	23 Ill. Reg 7/2/99
553.50	Amended	23 Ill. Reg 7/2/99
553.70	Amended	23 Ill. Reg 7/2/99
553.75	New	23 Ill. Reg 7/2/99
553.76	New	23 Ill. Reg 7/2/99
553.80	Repealed	23 Ill. Reg 7/2/99

DEPARTMENT OF HUMAN SERVICES

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553.90 Repealed 23 Ill. Reg 7/2/99
553.100 Amended 23 Ill. Reg 7/2/99
553.105 Amended 23 Ill. Reg 7/2/99
553.110 Amended 23 Ill. Reg 7/2/99

15) Summary and Purpose of Amendment: This amendment to the rule reflects the new federal amendments to the Rehabilitation Act. The amendment changes the number of functional capacities limited by the person's disability needed to qualify the individual for VR services. Other revisions are included to address the new terminology of the Rehabilitation Act.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND
REHABILITATION NEEDS

Section	
553.10	General Applicability
553.20	Basis for the Determination of Eligibility
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Outcome of the Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment
553.70	Certification of Eligibility
553.80	Extended Evaluation
553.90	Outcome of Extended Evaluation
553.100	Assessment of Rehabilitation Needs
553.105	Assistance in Attaining Necessary Financial Support
553.110	Outcome of the Assessment of Rehabilitation Needs
553.120	Change in Eligibility Status
553.130	Order of Selection
553.140	Criteria for Significant Severe Disability and Most Significant Severe Disability
553.150	Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency expired on December 15, 1996; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; emergency expired on January 13, 1997; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 1368, effective January 14, 1999; emergency amendment at 23 Ill. Reg. 6544, effective May 17, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12440, effective SEP 28 1999.

Section 553.130 Order of Selection

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

a) Pursuant to the provisions of the Rehabilitation Act of 1973, as amended (29 USC 8-6-701 et seq. -796(+)), DHS-ORS has established the following Order of Selection for the priority of provision of services to eligible individuals which counselors must follow when purchasing services for customers: ~~in addition, pursuant to 34-CRR 361-307, Public-Safety-Officers-injured-in-the-line-of-duty-shall-be given-priority-for-services-within-the-categories-listed-in-subsection (a)(1)-(3)-below-~~

- 1) those individuals determined to have the most significant severe disabilities;
 - 2) those individuals determined to have significant severe disabilities; and
 - 3) individuals determined to have non-severe disabilities.
- b) For the purposes of administering services under the Order of Selection, DHS-ORS has determined that current funding levels allow services to be provided to eligible individuals in the categories established in subsections (a)(1) and (2), above.
- c) Eligible individual in subsection (a)(3), above, may at his/her choice be placed on a waiting list for services. The waiting list will be maintained by DHS-ORS and services offered if the Associate Director of DHS-ORS or designee determines funding is available to provide services to all other individuals with disabilities.
- d) An individual who was determined eligible and began to receive services before the effective date of this amendatory rulemaking, or is determined eligible and begins to receive services thereafter, will be eligible to continue to receive services until completion of his/her rehabilitation program, regardless of changes made by DHS-ORS to its Order of Selection or priority of services.
- e) Once an eligible individual is assigned to a specific priority of service category, his/her category assignment may be changed to a higher priority category, if justified based on new information relating to his/her disability and documented in the customer's case file, but shall not be moved to a category of lower priority, except as described in Section 553.120 of this Part.

(Source: Amended at 23 Ill. Reg. 12440, effective SEP 28 1999.)

Section 553.140 Criteria for Significant Severe Disability and Most Significant Severe Disability

- a) Criteria for determining that the individual has a significant severe disability or a most significant severe disability must be in the individual's VR case file, stated and justified in the Assessment Summary (89 Ill. Adm. Code 553.70 and 89 Ill. Adm. Code 553.110) based on the following information.
- b) To be considered an individual with a most significant severe disability in determining priority for services under the Order of

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NOTICE OF ADOPTED AMENDMENTS

c) To be considered an individual with a significant **severe** disability to determine priority of services under the Order of Selection (Section 553.130), he/she must have a disability which is determined by the rehabilitation counselor/instructor to meet all four of the following criteria:

- 1) The significant **severe** disability seriously limits at least one **two** of the individual's functional capacities, as listed in Section 553.150 of this Part.
- 2) The individual has a disability or combination of disabilities determined by an evaluation of rehabilitation potential to cause a substantial physical or mental impairment similar but not limited to the following list of disabilities:

- A) amputation,
- B) arthritis,
- C) autism,
- D) blindness,
- E) burn injury,
- F) cancer,
- G) cerebral palsy,
- H) cystic fibrosis,
- I) deafness,
- J) head injury,
- K) heart disease,
- L) hemiplegia,
- M) hemophilia,
- N) respiratory or pulmonary dysfunction,
- O) mental retardation,
- P) mental illness,
- Q) multiple sclerosis,
- R) muscular dystrophy,
- S) musculo-skeletal disorders,
- T) neurological disorders (including stroke and epilepsy,
- U) paraplegia,
- V) quadriplegia (and other spinal cord conditions),
- W) sickle cell anemia,
- X) specific learning disabilities, or
- Y) end stage renal failure disease.

- 3) The individual requires **two three** or more VR services, **which--may include--counseling--and--guidance--services--provided--by--the rehabilitation counselor/instructor,--will--be--required** to ensure the individual a successful employment outcome. **Multiple** services are defined as core VR services, counseling and guidance, physical restoration, training, and placement and are

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- 4) VR services will be required over an extended period of time. An extended period of time for the purposes of the VR Program is defined as 6 months or more. The time period begins with the implementation of the IPE.

- d) An individual may also be considered an individual with a significant disability if the individual has been determined pursuant to Title II (SSDI) or Title XVI (SSI) to be eligible for disability benefits.

(Source: Amended at 23 Ill. Reg. 12440, effective SEP 28 1999)

Section 553.150 Determination of Serious Limitation to Functional Capacities

- a) For the purpose of determination of significant **severe** and most significant **severe** disabilities, functional capacities shall include:

- 1) mobility - the ability of an individual to move from place to place and move the body into certain positions (e.g., walking, climbing, kneeling, stooping, sitting, standing);
- 2) self-care - the ability of an individual to perform activities related to his/her health and hygiene (e.g., grooming, bathing, eating, house keeping, medical management, money management);
- 3) self-direction - the ability of an individual to control and regulate his/her own personal, social, and work life (i.e., maintain schedules and routines, follow directions and established rules, organizational skills, etc.);
- 4) work skills - the ability of an individual to perform jobs which exist in the current employment market, regardless of demand for the particular occupation (e.g., learn and maintain work skills, cooperate with others in a work setting, use adequate decision making and problem solving skills);
- 5) work tolerance - the ability of an individual to consistently and adequately perform a job based on the job's physical, emotional, environmental, and psychological demands of the position (e.g., performance on the job is not adversely affected by changes in environment such as cold and heat, has the strength and endurance to perform the job in question);
- 6) interpersonal skills - the ability of an individual to establish and maintain appropriate relationships with other individuals in the work place (e.g., necessary communications, appropriate and acceptable behavior, ability to cooperate in a team setting, understanding, tact); and
- 7) communication - the ability to convey and receive information efficiently and effectively (e.g., ability to hear and understand ordinary spoken language; ability to make one's self understood in ordinary conversation; ability to write or print short notes and communications; and ability to read and correctly interpret short notes, signs, and instructions).

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- b) A serious limitation to a functional capacity shall exist when it is determined by the rehabilitation counselor/instructor that the customer, because of his/her disability, has functional limitations in performing the major components of the activity or activities listed in subsections (a)(1) through (7), above, or needs accommodation.

(Source: Amended at 23 Ill. Reg. 12440, effective SEP 28 1999)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health and Safety
 2) Code Citation: 56 Ill. Adm. Code 350

- 3) Section Numbers: Adopted Action:
 350.280 Amended

- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

- 5) Effective Date of Amendments: October 2, 1999

- 6) Does this rulemaking contain an automatic repeal by reference? No

- 7) Do these amendments contain incorporations by reference? Yes

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 7043 (June 18, 1999)

- 10) Has JCAR Issued a Statement of Objections to these amendments? No

- 11) Differences Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: The rulemaking updates the Illinois Department of Labor's (IDOL) occupational safety and health standards. Section 4 of the Health and Safety Act mandates IDOL's adoption of all federal occupational safety and health standards (OSH rules) promulgated, modified, or revoked by the U.S. Secretary of Labor, unless the State already has in place alternative rules that are at least as effective as the OSH rules. See 820 ILCS 225/4 (d) (1998). Adoption of these rules ensures that: (1) public sector workers have the same level of protection afforded to private sector workers within the State of Illinois; and (2) Illinois' public sector employers benefit from the elimination, updating and clarification of the OSH rules that IDOL previously adopted.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Tamara Tanzillo, Deputy Director
 Illinois Department of Labor
 160 North LaSalle Street, Suite C-1300
 Chicago, Illinois 60601
 (312) 793-1612 (telephone)
 (312) 793-5257 (telex)

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER I: DEPARTMENT OF LABOR
 SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
 HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	Purpose and Scope
350.10	Definitions
350.20	Posting of Notice
350.30	Availability of Rules and Standards
350.40	Inspection Authority
350.50	Advance Notice of Inspection
350.60	Conduct of Inspections
350.70	Closing Conferences
350.80	Representatives of Employers and Employees
350.90	Objections During Inspection
350.100	Trade Secrets or Confidential Information
350.110	Consultation with Employees
350.120	Complaints by Employees
350.130	Imminent Danger
350.140	Citations
350.150	Posting of Citations
350.160	Appeal of Citation
350.170	Appeal of Abatement Period
350.180	Petition for Variance from Standards
350.190	Hearings
350.195	Advisory Inspections
350.200	

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	Emergency Notification
350.210	Recordable Injuries and Illnesses
350.220	Log of Injuries and Illnesses
350.230	Supplementary Record of Injuries and Illnesses
350.240	Annual Summary
350.250	Retention of Records
350.260	Access to Records
350.270	

SUBPART C: FEDERAL STANDARDS

Section	Adoption of Federal Standards
350.280	

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act [820 ILCS 220] and the Health and Safety Act [820 ILCS 225].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective 06-2-1999.

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

a) Incorporations

1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the federal Occupational Safety and Health Administration as effective March 1, 1999 and amended at:

FR63:1919; FR63:3813; FR63:20098; FR63:33450; FR63:35137; FR63:50711; FR63:66018; FR63:66238 ~~April 8, 1998 and amended at FR63:1152; --PR62-42010; --and--PR62-40142.~~ These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.

2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998, no later amendments or editions) are incorporated into this Part. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that which is effective as indicated, not including any later amendments or editions. Copies are available at the Department's Chicago office. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <<http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>>.

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998).

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998).

Inspection Procedure for the Respiratory Protection Standard, CPL

DEPARTMENT OF LABOR

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2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (March 9, 1999).

3) The following interpretation of 29 CFR 1910 and 1926 Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998, no later amendments or editions), 29 CFR 1915 and 1926 Occupational Exposure to Asbestos Chloride (1998, no later amendments or editions), 29 CFR 1910 Permit-Required Confined Spaces (1998, no later amendments or editions), 29 CFR 1910, 1915, 1917, 1918, and 1926 Powered Industrial Truck Operator Training (1999, no later amendments or editions), are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <<http://www.osha.gov/comp-links.html>>.

Preamble: Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998).

Preamble: Occupational Exposure to Asbestos, 63 Fed. Reg. 35137 (June 29, 1998).

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998).

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998).

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998).

b) The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS

DEPARTMENT OF LABOR

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- 100/5-40].
- c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR Part 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.
- d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended 23 Ill. Reg. 12447, effective 001-2-1999)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Contracts for Construction
- 2) Code Citation: 44 Ill. Adm. Code 600
- 3) Section Numbers:
- | | |
|---------|----------|
| 600.101 | Repealed |
| 600.102 | Repealed |
| 600.103 | Repealed |
| 600.104 | Repealed |
| 600.201 | Repealed |
| 600.202 | Repealed |
| 600.203 | Repealed |
| 600.204 | Repealed |
| 600.205 | Repealed |
| 600.206 | Repealed |
| 600.207 | Repealed |
| 600.208 | Repealed |
| 600.209 | Repealed |
| 600.210 | Repealed |
| 600.211 | Repealed |
| 600.212 | Repealed |
| 600.213 | Repealed |
| 600.214 | Repealed |
| 600.215 | Repealed |
| 600.301 | Repealed |
| 600.302 | Repealed |
| 600.303 | Repealed |
| 600.304 | Repealed |
| 600.305 | Repealed |
| 600.306 | Repealed |
| 600.401 | Repealed |
| 600.402 | Repealed |
| 600.403 | Repealed |
| 600.404 | Repealed |
| 600.405 | Repealed |
| 600.406 | Repealed |
| 600.407 | Repealed |
| 600.501 | Repealed |
| 600.502 | Repealed |
| 600.503 | Repealed |
| 600.504 | Repealed |
| 600.505 | Repealed |
| 600.506 | Repealed |
| 600.507 | Repealed |
| 600.508 | Repealed |
| 600.509 | Repealed |
| 600.510 | Repealed |
| 600.511 | Repealed |

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NOTICE OF ADOPTED REPEALER

600.512 Repealed
600.513 Repealed
600.601 Repealed
600.602 Repealed
600.603 Repealed
600.604 Repealed
600.605 Repealed
600.606 Repealed
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600.719 Repealed
600.720 Repealed
600.721 Repealed
600.722 Repealed
600.801 Repealed
600.802 Repealed
600.803 Repealed
600.804 Repealed
600.805 Repealed
600.806 Repealed
600.807 Repealed
600.808 Repealed
600.809 Repealed
600.810 Repealed
600.811 Repealed
600.812 Repealed
600.901 Repealed
600.902 Repealed
600.903 Repealed
600.904 Repealed
600.905 Repealed

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

600.906 Repealed
600.907 Repealed
600.908 Repealed
600.909 Repealed

- 4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].
- 5) Effective Date of Repeal: September 24, 1999
- 6) Does this Rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois: March 19, 1999, 23 Ill. Reg. 3246
- 10) Has JCAR Issued a Statement of Objections to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending in this Part? No
- 15) Summary and Purpose of Repealer: The Office of Mines and Minerals no longer uses these rules for contracts. The divisions have either developed their own rules or use other sections of the Administrative Code.
- 16) Information and questions regarding this repealer shall be directed to:

Peggy Witt
Department of Natural Resources
524 S. Second Street, Room 485
Springfield, IL 62701-1787
217/782-1809

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Postsurgical Recovery Care Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 210
- 3) Section Numbers: Adopted Action:
210.2500 Amendments
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- 5) Effective date of amendments: October 15, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

- 9) Notices of Proposal was Published in Illinois Register: April 16, 1999 - 23 Ill. Reg. 4394

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Difference between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

Section 210.2500(b) was amended to read as follows: "Blood shall not be administered in the Model, but and blood products may not be administered in the Model."

The following changes were made in response to comments and suggestions of the JCAR:

No changes were suggested.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were suggested.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

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- 15) Summary and purpose of the amendments: The rules in Part 210 implement the postsurgical recovery care center demonstration program under the Alternative Health Care Delivery Act. A postsurgical recovery care center model (model) is a designated site that provides postsurgical recovery care for generally healthy patients undergoing surgical procedures that require overnight nursing care, pain control, or observation that would otherwise be provided in an inpatient setting. The rules were adopted October 15, 1994. When the rules were reviewed by the Joint Committee on Administrative Rules (JCAR) in May of 1994, JCAR objected to Section 210.1800(a)(2)(H) because the Department had excluded patients who would require the administration of blood products. The rule was modified in response to JCAR's objection. Section 210.2500(b) also prohibits administration of blood products. JCAR did not include this Section in the objection, and it was not modified prior to adoption. The Department recently became aware of this inconsistency and is modifying Section 210.2500(b) to clarify that blood products may be administered.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul Thompson
Division of Legal Services
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield Illinois 62761
217/782-2043
(rules@dph.state.il.us).

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 210

POSTSURGICAL RECOVERY CARE CENTER DEMONSTRATION PROGRAM CODE

Section	
210.1000	Definitions
210.1050	Referenced Materials
210.1100	Demonstration Program Elements
210.1200	Application for and Issuance of a License to Operate a Postsurgical Recovery Care Center Model
210.1300	Obligations and Privileges of Postsurgical Recovery Care Center Models
210.1400	Inspections and Investigations
210.1500	Notice of Violation and Plan of Correction
210.1600	Adverse Licensure Action
210.1700	Admission Practices
210.1800	Approval of Protocols for the Admission of Postsurgical Patients
210.1900	Standards of Professional Practice
210.2000	Length of Stay
210.2100	Patient's Rights
210.2200	Personnel
210.2300	Patient Care
210.2400	Infection Control
210.2500	Laboratory, Pharmacy and Radiological Services
210.2600	Records and Reports
210.2700	Transfer Agreement
210.2800	Food Service
210.2900	Physical Plant
210.3000	Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 18 Ill. Reg. 15824, effective October 15, 1994; amended at 23 Ill. Reg. 12456, effective 01/15/1999.

Section 210.2500 Laboratory, Pharmacy and Radiological Services

- a) Each Postsurgical Recovery Care Center Model shall meet the following:
- 1) Possess a valid Clinical Laboratory Improvement Amendments (CLIA) certificate for those tests performed by the Model; and
 - 2) Have a written agreement with a laboratory that which possesses a valid CLIA certificate to perform any required laboratory procedures that which are not performed in the center.

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- b) Blood shall not be administered in the Model, but and blood products may not be administered in the Model.
- c) Pharmacy services shall be provided directly by the Model or by contract with a pharmacy licensed pursuant to the Pharmacy Practice Act.
- d) Pharmacy services not provided by contract must be under the direction of a registered pharmacist employed by the Model on a full-time, part-time or consulting basis.
- e) All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws and regulations.
- f) Radiologic services sufficient to perform and interpret the radiological examinations necessary to meet the needs of the patients must be provided.
- g) All x-rays shall be read by a member of the medical staff or a consulting radiologist approved by the consulting committee.

(Source: Amended at 23 Ill. Reg. 12456, effective 01/15/1999.)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Public List of Delinquent Taxpayers

2) Code Citation: 86 Ill. Adm. Code 710

3) Section Numbers: Adopted Action:

710.10 New Section

710.20 New Section

710.30 New Section

710.40 New Section

710.50 New Section

710.60 New Section

4) Statutory Authority: Implementing and authorized by Section 39b54 of the Civil Administrative Code of Illinois (Part 2.5) [20 ILCS 2505/39b54]

5) Effective Date of Rules: September 22, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 11, 1999, 23 Ill. Reg. 6929

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rulemaking currently in effect? No. There was an emergency rulemaking in effect. However, the emergency rules expired on August 1, 1999.

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking establishes the procedure for implementing a delinquent taxpayer publication program, a tax collection tool authorized by Section 39b54 of the Civil Administrative Code of Illinois (Part 2.5) [20 ILCS 2505/39b54]. This program involves the disclosure of tax information of certain taxpayers

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

that are delinquent in the payment of liabilities to the Department of Revenue. The program is intended to resolve delinquent accounts and encourage voluntary compliance with the Illinois tax statutes

16) Information and questions regarding this adopted rulemaking shall be directed to:

Keith Staats
General Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7296

The full text of the adopted rulemaking begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 710
PUBLIC LIST OF DELINQUENT TAXPAYERS

Section

- 710.10 Definitions
- 710.20 Development of the Notice List of Delinquent Taxpayers
- 710.30 Notification of Delinquent Taxpayers
- 710.40 Grace Period
- 710.50 Publication of the Annual List of Delinquent Taxpayers
- 710.60 Periodic Updates

AUTHORITY: Implementing and authorized by Section 39b54 of the Civil Administrative Code of Illinois (Part 2.5) [20 ILCS 2505/39b54].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 3521, effective March 4, 1999, for a maximum of 150 days; emergency expired August 1, 1999; adopted at 23 Ill. Reg. 12460, effective SEP 22 1999.

Section 710.10 Definitions

"Act" means Public Act 90-753, 20 ILCS 2505/39b54, "AN ACT to amend the Civil Administrative Code by adding Section 39b54."

"Annual List" refers to the initial list of delinquent taxpayers, along with the accumulated updates thereto, as disclosed by the Department during the course of a one-year period. For purposes of the Annual List, the one-year period shall commence September 15 and close September 14.

"Delinquent" refers to any final tax liability that has come due and remains unpaid. For purposes of Section 710.20 of this Part, the taxpayer shall not be deemed a delinquent taxpayer subject to disclosure if any of the following circumstances apply:

there is a written agreement for payment between the taxpayer and the Department, and the taxpayer is current in all payments.

the taxpayer is contesting the liability by way of an administrative hearing, administrative review, or judicial review. This exception includes taxpayers that currently have a petition pending before the Department's Board of Appeals.

the Department is currently in the process of reviewing the liability.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

the Department is currently in the process of adjusting the liability.

the taxpayer is a debtor in a bankruptcy proceeding and the Bankruptcy Court has in place a stay of collection activity on the liability.

the taxpayer is deceased.

"Delinquent Taxpayer" means any taxpayer, whether an individual, trust, partnership, corporation, or any other taxable entity, that is delinquent in the payment of a final tax liability of a tax collected by the Department, as set forth in Section 710.20, and thereby subject to disclosure under the Act.

"Department" means the Department of Revenue of the State of Illinois.

"Disclosable Information" means the name and address of the delinquent taxpayer, the type or types of delinquent tax and the date on which each tax was assessed or became final, the amount of each delinquent tax liability, and, in the case of a corporate taxpayer, the name of the current president or record of the corporation.

"Disclose" means to publish or release a taxpayer's disclosable information not previously disclosed under the Act within the same one-year period. The repeated publication of identical disclosable information for a particular taxpayer in a single one-year period does not constitute multiple disclosures.

"Disclosure" means the publication or release of a taxpayer's disclosable information not previously disclosed under the Act within the same one-year period.

"Final Tax Liability" means a liability that has been assessed, is deemed assessed, or is otherwise final for the purpose of enforced collection activity. For the purposes of the Annual List, a liability does not qualify as a Final Tax Liability where the Department has written off the liability after deeming it uncollectable, unless the liability is later reinstated due to a determination of collection potential.

"Notice List" means the preliminary list of taxpayers deemed delinquent and subject to disclosure under the requirements set forth in Section 710.20 of this Part.

Section 710.20 Development of the Notice List of Delinquent Taxpayers

- a) Prior to the disclosure of a delinquent taxpayer under the Act, the

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Department will deem the taxpayer delinquent and subject to disclosure under the Act, based upon the following criteria:

- 1) The taxpayer is delinquent in the payment of a final tax liability collected by the Department; and
- 2) The taxpayer's final tax liability for all taxes collected by the Department (including penalties and interest) is greater than \$10,000; and
- 3) At least 6 months have passed from the time that the final tax liability was assessed or became final, as provided in the statute imposing the tax.

Taxpayers meeting each of these criteria shall be deemed "delinquent taxpayers" subject to disclosure.

- b) The Department will create and maintain the Notice List consisting of all taxpayers meeting these criteria.

Section 710.30 Notification of Delinquent Taxpayers

At least 90 days prior to disclosure of a delinquent taxpayer appearing on the Notice List, the Department will mail a written notice to the delinquent taxpayer.

- a) The notice will be sent by certified mail to the taxpayer's last known address, based on the most current information available in the records maintained by the Department.
- b) If any notice is returned to the Department as undeliverable, or the Department determines that a letter is unclaimed by reason of being incorrectly addressed, the Department will use reasonable diligence to determine the current address.
- c) The notice will detail the amount and nature of the delinquency and the intended disclosure of the delinquency.
- d) The notice will inform the taxpayer of the methods to avoid disclosure set forth in Section 710.40 of this Part.

Section 710.40 Grace Period

- a) On the date that either a notice described in Section 710.30 of this Part was delivered or the Department has been notified that delivery of the notice was refused or unclaimed, the taxpayer's inclusion on the Notice List shall be fixed, subject only to the limited process for removal set forth in subsection (b) of this Section.

- b) In the 60 days following the date set forth in subsection (a) of this Section, the delinquent taxpayer shall have the opportunity to take action that will result in removal from the Notice List. During this period, a taxpayer will be removed from the Notice List if the taxpayer:
 - 1) pays the delinquent tax; or
 - 2) enters into a written agreement with the Department for payment of the delinquent tax; or
 - 3) cures a default in an existing payment agreement; or

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- 4) files a petition with, and obtains a temporary restraining order from, the Department's Board of Appeals.

Section 710.50 Publication of the Annual List of Delinquent Taxpayers

- a) No sooner than 90 days after the date the Department mailed written notice to the delinquent taxpayer as provided in Section 710.30 of this Part, the Department will add to the Annual List the taxpayer's disclosable information, unless the taxpayer was removed from the Notice List during the 60-day grace period.

- b) After the initial disclosure of a taxpayer's disclosable information, the Department will disclose no new or updated disclosable information for that taxpayer during the same one-year period.

Section 710.60 Periodic Updates

- a) The Department may periodically update the Annual List throughout a one-year period by adding and removing taxpayers.

- b) If, prior to an update, the Department has processed a full payment of the liability of a taxpayer appearing on the Annual List, the Department will remove the taxpayer from the list available for inspection at the Department and any list subsequently published by the Department by any means:

- c) Upon each update, the list shall bear the statement "This updated list reflects the removal of taxpayers that have resolved their delinquency through (date of update)."

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1) Heading of the Part: Managed Care Reform & Patient Rights

2) Code Citation: 50 Ill. Adm. Code 5420

3) Section Numbers:

5420.10	New Section
5420.20	New Section
5420.30	New Section
5420.40	New Section
5420.50	New Section
5420.60	New Section
5420.70	New Section
5420.80	New Section
5420.90	New Section
5420.100	New Section
5420.110	New Section
5420.120	New Section
EXHIBIT A	New Section
EXHIBIT B	New Section
EXHIBIT C	New Section

Emergency Action:

5420.10	New Section
5420.20	New Section
5420.30	New Section
5420.40	New Section
5420.50	New Section
5420.60	New Section
5420.70	New Section
5420.80	New Section
5420.90	New Section
5420.100	New Section
5420.110	New Section
5420.120	New Section
EXHIBIT A	New Section
EXHIBIT B	New Section
EXHIBIT C	New Section

4) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] (P.A. 91-617, effective January 1, 2000, except Sections 200 and 299 of the Act which took effect on August 19, 1999; and Sections 25 and 85 of the Act which take effect on July 1, 2000), and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

5) Effective Date of Rules: September 27, 1999

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency rules will ~~expire~~ automatically once the identical rules proposed at 23 Ill. Reg. ~~1207~~ have been adopted.

7) Date Filed with Index Department: September 27, 1999

8) A copy of the adopted emergency rules including any material incorporated by reference is on file in the Department of Insurance's principal office and is available for public inspection.

9) Reason for Emergency: The reason for the proposal of emergency rules is to implement the Managed Care Reform and Patient Rights Act. This Act, established by Public Act 91-617, becomes generally effective January 1 of the year 2000. The requirements of this Act will drastically change the way in which enrollees receive health care benefits. In 1998 there were approximately 2.4 million HMO enrollees in Illinois. More than 99% of these persons are covered under group policies provided to them by their employers. The majority of HMO employer group policies will be up for

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renewal on January 1, 2000 and need to be renegotiated in the 4th quarter of 1999. In order to appropriately market their plans and to adjust their working procedures to accommodate the new January 1, 2000 requirements, health care plans need to know exactly how Public Act 91-617 is to be interpreted. By establishing emergency rules now, the health care plans will have approximately 3 months to adequately revise their marketing materials and change their operating procedures in order to make the transition to the new law. To delay the promulgation of these rules will lead to unnecessary confusion and disruption in the health care marketplace. Health care consumers' safety will thus be at risk without an emergency rule for the following reasons. Enrollees will not have the comparison information that is essential for them to make decisions about their and their families' health care because health care plans will not have the guidelines that will control their production of this material. In addition, health care plans will not be able to assess the costs of the new Act in order to market their plans to employers. By promulgating these rules now, health care plans can properly price and market their plans, and provide employers -- and, therefore, health care plan enrollees -- a realistic understanding of the costs associated with coverage under various plans.

10) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to implement Public Act 91-617, the Managed Care Reform and Patient Rights Act. In order to ensure the proper provision of information by health care plans, to assure proper treatment of enrollees by health care plans, to assure proper treatment of health care providers by health care plans, and to assure proper oversight of the health care plans by the Department of Insurance.

11) Are there any proposed amendments to this Part pending: No

12) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

13) Information and questions regarding this amendment shall be directed to:

David Van Lieshout	Denise Hamilton
Assistant Chief Counsel	Rules Unit Supervisor
Department of Insurance	Department of Insurance
320 West Washington	(or) 320 West Washington
Springfield, Illinois	Springfield, Illinois
62767-0001	62767-0001
(217) 782-2867	(217) 785-8560

The full text of the Emergency Rules begins on the next page:

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NOTICE OF EMERGENCY RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER kkk : HEALTH CARE SERVICE PLANS

PART 5420

MANAGED CARE REFORM & PATIENT RIGHTS

Section

5420.10

EMERGENCY

Purpose

EMERGENCY

5420.20

EMERGENCY

Applicability

EMERGENCY

5420.30

EMERGENCY

Definitions

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Provision of Information

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Notice of Nonrenewal or Termination

EMERGENCY

5420.60

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Transition of Services

EMERGENCY

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Health Care Services, Appeals, Complaints and External Independent Reviews

EMERGENCY

5420.80

EMERGENCY

Joint Resolution of Complaints - Department of Insurance and Department of Public Health - Notification and Resolution Process

EMERGENCY

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Record of Complaints

EMERGENCY

5420.100

EMERGENCY

Access and Quality of Care from Providers Without Primary Care Physician Referral or Authorization

EMERGENCY

5420.110

EMERGENCY

Emergency Services

EMERGENCY

5420.120

EMERGENCY

Post Stabilization Services

EMERGENCY

5420.130

EMERGENCY

5420. Exhibit A Description of Coverage - Cover Page

5420. Exhibit B Description of Coverage - Worksheet

5420. Exhibit C Complaint Record and Column Descriptions

AUTHORITY: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] (P.A. 91-617, effective January 1, 2000, except Sections 200 and 299 of the Act which took effect on August 19, 1999; and Sections 25 and 85 of the Act which take effect on July 1, 2000) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

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SOURCE: Emergency rules adopted at 23 Ill. Reg. 12466, effective SEP 27 1999, for a maximum of 150 days.

Section 5420.10 Purpose

EMERGENCY

This Part will implement Public Act 91-617, the Managed Care Reform and Patient Rights Act in order to assure: the proper provision of information to enrollees by health care plans; the proper treatment of enrollees by health care plans; the proper treatment of health care providers by health care plans; and the proper oversight of health care plans by the Department of Insurance.

Section 5420.20 Applicability

EMERGENCY

a) All provisions of this Act are applicable to the Comprehensive Health Insurance Plan, Health Maintenance Organizations, Voluntary Health Service Organizations, and Limited Health Service Organizations except those plans offering only dental services or only vision services. In addition, Sections 55 and 85 of the Act are applicable to Third Party Administrators. Also Sections 55 and 85 of the Act, as well as compliance with the definition of the term emergency medical condition, as defined in Section 10 of the Act, are applicable to entities regulated under Article XX 1/2 of the Insurance Code, generally referred to as Preferred Provider Organizations. Finally, Section 85 of the Act and compliance with the definition of the term "emergency medical condition" as defined in Section 10 of the Act are applicable to all insurers authorized to transact the sale of accident and health insurance in Illinois.

b) Until July 1, 2000, health care providers may, but are not required to, incorporate the transition of service standards defined in Section 5420.60 of this Part and also referred to in Section 5420.40 and 5420.50 of this Part.

Section 5420.30 Definitions

EMERGENCY

Act means the Managed Care Reform and Patient Rights Act [215 ILCS 134] (P.A. 91-617, effective January 1, 2000, except Sections 200 and 299 of the Act which took effect on August 19, 1999; and Sections 25 and 85 of the Act which take effect on July 1, 2000).

Code means the Illinois Insurance Code including any of the Acts in Chapter 215 of the Illinois Compiled Statutes.

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

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Health Care Plan means a plan that establishes, operates, or maintains a network of health care providers that has entered into an agreement with the plan to provide health care services to enrollees to whom the plan has the ultimate obligation to arrange for the provision of or payment for services through organizational arrangements for ongoing quality assurance, utilization review programs, or dispute resolution. Nothing in this definition shall be construed to mean that an independent practice association or a physician hospital organization that subcontracts with a health care plan is, for purposes of that subcontract, a health care plan. For purposes of this definition, "health care plan" shall not include the following: (1) indemnity health insurance policies including those using a contracted provider network; (2) health care plans that offer only dental or only vision coverage; (3) preferred provider administrators, as defined in Section 370g(g) of the Illinois Insurance Code; (4) employee or employer self-insured health benefit plans under the federal Employee Retirement Income Security Act of 1974; (5) health care provided pursuant to the Workers' Compensation Act or the Workers' Occupational Diseases Act; and (6) not-for-profit voluntary health services plans with health maintenance organization authority in existence as of January 1, 1999 that are affiliated with a union and that only extend coverage to union members and their dependents.

Health Care Provider means any physician, hospital facility, or other person that is licensed or otherwise authorized to deliver health care services. Nothing in the Act shall be construed to define independent practice associations or physician hospital organizations as health care providers.

Long-Standing Relationship means the continuous relationship between an enrollee and his or her primary care physician of not less than 5 years; except in the case of a child 5 years or under who has had a continuous relationship with the same primary care physician since birth, placement for adoption, guardianship or foster care.

Managed Care Organization (MCO) means a partnership, association, corporation or other legal entity, including but not limited to individual practice associations (IPAs) and Physician Hospital Organizations (PHOs), which delivers or arranges for the delivery of health care services through providers it has contracted with or otherwise made arrangements with to furnish such health care services.

Ongoing Course of Treatment means the treatment of a condition or disease that requires repeated health care services pursuant to a plan of treatment by a physician because of the potential for changes in the therapeutic regimen.

Referral Arrangement means that for each referral or standing

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referral, a referral arrangement exists between a participating primary care physician and a participating specialist physician or a participating health care provider when a participating primary care physician makes a referral of an enrollee for that referral or standing referral to a participating specialist physician or participating health care provider.

Standing Referral means a written referral from the primary care physician for an ongoing course of treatment pursuant to a treatment plan specifying needed services and time frames developed by a specialist in consultation with the primary care physician and in accordance with procedures developed by the health care plan.

Section 5420.40 Provision of Information

EMERGENCY

a) Description of Coverage

1) So that a person can compare the attributes of various health care plans, both a description of coverage cover page and worksheet must be completed by the health care plan. The cover page and worksheet shall follow substantially the same format as prescribed in Exhibits A and B respectively of this part. Each shall be printed in no less than 12 point type.

A) Copayments and/or deductibles which vary within a specific benefit category must be listed individually for each item (e.g., copayments for prescription drugs should be listed separately based upon the drug being brand name or generic equivalent).

B) The category entitled "Other Services" may be modified to include additional headings as may be appropriate. If the contract does not provide coverage for listed "Other Services", the description of coverage worksheet should so indicate by stating "Not Applicable" for each such item.

C) A health care plan specific description of coverage worksheet shall contain financial information specific to the enrollee's plan. A generic description of coverage worksheet will be applicable to all of the health care plan's plans and include a general description of financial information.

D) All description of coverage worksheets shall include a notice of the enrollee's right to request a description of the financial relationships between the health care plan and any health care provider, the percent of copayments, deductibles and total premiums spent on health care related and administrative expenses, as well as a notice of the enrollee's right to request health care provider information from their provider as set forth in Section 15(c) of the Managed Care Reform and Patient Rights Act.

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E) All description of coverage worksheets shall clearly disclose that referral arrangements through the enrollee's participating primary care physician may limit the enrollee's ability to seek services from certain participating specialist physicians or participating health care providers. To obtain clarification on such referral arrangements, the enrollee must be instructed to contact his or her participating primary care physician's office. If a referral arrangement does not exist between the enrollee's participating primary care physician and the desired participating specialist physician or participating health care provider, then the enrollee must be informed of his or her ability to designate a new participating primary care physician with whom such referral arrangement does exist.

F) The description of coverage worksheet for point of service products, defined within 50 Ill. Adm. Code 5421.20, must include a specific description of coverages, limitations, exclusions, deductibles and copayments specific to the indemnity contract.

2) A plan specific description of coverage cover page, worksheet and a list of participating health care providers shall be given to all new enrollees. Annually thereafter, a generic description of coverage cover page and worksheet must be mailed to enrollees. Only one enrollee per household must be furnished this material unless otherwise requested by the enrollee. For group contracts, the plan may satisfy this requirement by giving the required material to the contract holder, for distribution to their members.

3) Enrollees must be advised annually of their right to request a plan specific description of coverage cover page, worksheet and an updated list of participating health care providers. The enrollee shall be given the choice of requesting this information through a local telephone number or long distance toll-free telephone number and a prepaid postcard.

4) The plan specific description of coverage cover page, worksheet and list of participating health care providers shall be given to all prospective enrollees upon request. Availability of this information shall be prominently communicated within the health care plan's marketing materials. Prospective enrollees shall be able to request this information through a local telephone number or a long distance toll-free telephone number.

5) Health care plans are encouraged to make a generic description of coverage cover page, worksheet and list of participating health care providers available on their web sites. This will not act as a substitute for other forms of required disclosure.

6) Health care plans issuing contracts or evidences of coverage for delivery in this State shall not issue such contract or evidence of coverage unless a specific description of coverage cover page

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and worksheet are provided.

7) All health care plans must clearly communicate their procedure for the filing of complaints pursuant to Section 45 of the Act. When a health care plan is permitted by statute to require complaints be filed in writing, the appropriate complaint form must be made available to the enrollee.

b) Within the group contract, evidence of coverage, individual contract and enrollee handbook, the health care plan shall provide a notice of the enrollee's right to request a description of the financial relationships between the health care plan and any health care provider, the percent of copayments, deductibles and total premiums spent on health care related and administrative expenses as well as the right to obtain health care provider information from his or her provider as set forth in Section 15(c) of the Managed Care Reform and Patient Rights Act.

c) Each health care plan shall clearly disclose, within the group contract, evidence of coverage, individual contract, enrollee handbook and provider directory that referral arrangements through the enrollee's participating primary care physician may limit the enrollee's ability to seek services from certain participating specialist physicians or participating health care providers. To obtain clarification on such referral arrangements, the enrollee must be instructed to contact his or her participating primary care physician's office. If a referral arrangement does not exist between the enrollee's participating primary care physician and the desired participating specialist physician or participating health care provider, then the enrollee must be informed of his ability to designate a new participating primary care physician with whom such referral arrangement does exist.

d) Within the group contract, evidence of coverage, individual contract and enrollee handbook, all health care plans must clearly communicate their procedure for the filing of complaints pursuant to Section 45 of the Act. When a health care plan is permitted by statute to require complaints be filed in writing, the appropriate complaint form must be made available to the enrollee.

Section 5420.50 Notice of Nonrenewal or Termination EMERGENCY

a) All provider agreements shall provide for at least 60 days notice by the provider for termination with cause, as defined in such provider agreement, and at least 90 days notice by the provider for termination without cause. In the event the provider violates the provider agreement and does not give a notice of termination in the appropriate timeframe, the health care plan must provide immediate notice to the enrollees. The health care plan must inform the Department immediately of any known or intended termination, with or without cause, of an MCO.

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- b) A health care plan must give at least 60 days notice of nonrenewal or termination of a health care provider to the health care provider and to the enrollees served by the health care provider. The notice shall include a name and address to which an enrollee or health care provider may direct comments and concerns regarding the nonrenewal or termination. Immediate written notice may be provided without 60 days notice when a health care provider's license has been disciplined by a State licensing board. The notice shall inform the enrollee of the availability of transitional services and that the enrollee must request transitional services within 30 days from receipt of this notice.

Section 5420.60 Transition of Services**EMERGENCY**

- a) Health care plans shall notify new enrollees and current enrollees of the availability of transitional services for conditions that require ongoing course of treatment.
- b) New enrollees must request the option of transitional services in writing, within 15 days after receiving notification of the availability of transitional services, through a mechanism established by the health care plan.
- c) Enrollees whose physician leaves the health care plan's network of health care providers shall request the option of transitional services in writing within 30 days after receipt of notification of termination of the physician.
- d) Within 15 days after receiving such notification from the enrollee, the health care plan shall notify the enrollee if a denial is issued for the enrollee's request of transitional services based on the enrollee's physician refusing to agree to accept the health care plan's reimbursement rates, adhere to the health care plan's quality assurance requirements, provide the health care plan with necessary medical information related to the enrollee's care, or otherwise adhere to the health care plan's policies and procedures. The notification shall be in writing and include the specific reason for such denial.

Section 5420.70 Health Care Services, Appeals, Complaints and External Independent Reviews**EMERGENCY**

Every health care plan shall submit for the Department's review, and thereafter maintain, a mechanism for the joint selection of the external independent reviewer. Any proposed changes to the mechanism must be filed for review by the Department.

Section 5420.80 Joint Resolution of Complaints - Department of Insurance and Department of Public Health - Notification and Resolution Process

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EMERGENCY

- a) Complaints against health care plans participating in programs administered by the Department of Public Aid pursuant to the Public Aid Code shall be resolved under rules published by the Department of Public Aid. Any complaints against such plans received by the Department of Insurance or the Department of Public Health shall be referred to the Department of Public Aid.
- b) Any enrollee or health care provider, on behalf of the enrollee, may file a written complaint against the health care plan through the Department of Insurance. Complaints received by the Department of Public Health shall be referred to the Department of Insurance for processing prior to investigation.
- c) The health care plan response shall include documentation and an explanation of all actions taken or not taken that were the basis for the complaint. The respondent shall include documents necessary to support the respondent's position and any additional information requested by the Department of Insurance and/or the Department of Public Health. Both the Department of Insurance and the Department of Public Health shall maintain confidentiality of medical records and other pertinent documents.
- d) Quality of care complaints may be referred to the Department of Public Health for investigation.
- 1) The Department of Public Health shall determine if an on-site investigation is warranted and may request additional information from the complainant, health care provider, or health care plan if the information provided is determined to be incomplete or if additional information is needed to make a determination regarding the complaint.
 - 2) If an investigation is warranted, the Department of Public Health shall make available the name, address and telephone number where an enrollee may obtain the status of the complaint.
 - 3) The Department of Public Health shall forward the findings of the investigation to the Department for final disposition and record keeping.
 - e) No Department of Insurance or Department of Public Health publication or release of information shall identify any enrollee, health care provider, or individual complainant.

Section 5420.90 Record of Complaints**EMERGENCY**

- a) Complaint, as used in this Section, means any communication primarily expressing a grievance to the health care plan by, or on behalf of, the enrollee, or by the health care provider. For purposes of this definition, "communications" shall include the following:
- 1) A written notice relating to the health care plan's determinations, procedures and administration as stated in

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- Sections 45 and 50 of the Act; and
- 2) Written or oral notice filed under the expedited health care services appeal process or under the utilization review process.
 - b) The health care plan shall submit to the Director a report by March 1 for the previous calendar year which shall include a record of complaints in the format prescribed in Exhibit C of this Part.

Section 5420.100 Access and Quality of Care from Providers Without Primary Care Physician Referral or Authorization
EMERGENCY

- a) Health care plans that allow enrollees to access health care services from contractual providers without a referral or authorization from the primary care physician (PCP) shall have in place a system for centralized record keeping to track and monitor the provider/enrollee encounters to assure that enrollees are receiving needed services.
- b) The health care plan's centralized record keeping system for access and quality of care shall be described in detail, filed with and deemed acceptable by the Director of Public Health. The Director of Public Health shall forward a copy of the approved system for record keeping and the notice of his final action with the Department of Insurance.
- c) The health care plan shall be able to retrieve an enrollee's centralized record of the provider/enrollee encounters for review by the Department and/or Department of Public Health as part of a complaint investigation or inquiry.

Section 5420.110 Emergency Services
EMERGENCY

For purposes of determining compliance with Section 65 of the Act, timely determination shall mean a determination is made within 30 days after the health care plan receives a claim for emergency services if no additional information is needed to determine the emergency services meet the definition of an emergency medical condition. In the event additional information is necessary to make such a determination, the health care plan shall request the medical record documenting the presenting symptoms at the time care was sought within 15 days after receipt of the emergency services claim and make a determination within 30 days after its receipt.

Section 5420.120 Post Stabilization Services
EMERGENCY

For purposes of determining compliance with Section 70 of the Act, timely determination shall mean a determination is made within 30 days after the health care plan receives a claim for post stabilization services if no additional information is needed to determine that services rendered were not contrary to the instructions of the health care plan or its delegated health

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care provider if the contact was made between those parties and the treating health care provider prior to the services being rendered. In the event additional information is necessary to make such a determination, the health care plan shall request the medical record documenting the time, phone number dialed, and the result of the communication for request for authorization of post stabilization medical services as well as the post stabilization medical services rendered within 15 days after receipt of the post stabilization services claim and make a determination within 30 days after receipt of the specific information requested.

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Section 5420. EXHIBIT A Description of Coverage - Cover Page
EMERGENCY

The Managed Care Reform and Patient Rights Act of 1999 established rights for enrollees in health care plans. These rights cover the following:

What emergency room visits will be paid for by your health care plan.

How specialists (both in and out of network) can be accessed.

How to file complaints and appeal health care plan decisions (including external independent reviews).

How to obtain information about your health care plan, including general information about its financial arrangements with providers.

You are encouraged to review and familiarize yourself with these subjects and the other benefit information in the attached Description of Coverage Worksheet. SINCE THE DESCRIPTION OF COVERAGE IS NOT A LEGAL DOCUMENT, for full benefit information please refer to your contract or certificate, or contact your health care plan at the toll free number on the next page. In the event of any inconsistency between your Description of Coverage and contract or certificate, the terms of the contract or certificate will control.

For general assistance and information, please contact the Illinois Department of Insurance Office of Consumer Health Insurance at _____ (Please be aware that the Office of Consumer Health Insurance will not be able to provide specific plan information. For this type of information you should contact your health care plan directly.)

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Section 5420. EXHIBIT B Description of Coverage - Worksheet
EMERGENCY

Plan:
Name:
Address:
Toll Free Telephone Number:
Web site (optional)

Basics		Your Doctor (description of process for selection of physician, PCP and/or WHPCP)		Description of Coverage	
		Annual Deductible (if applicable)	Out-of-Pocket Maximum	Individual	Family
		Maximum			
		Lifetime Maximums (if applicable)	Preexisting Condition Limitations		
		Number of Days of Inpatient Care	Description Of Coverage	Health Care Plan Covers	You Pay
In the Hospital	Room & Board				
	Surgeon's Fees				
	Doctor's Visits				
	Medications				
Emergency Care	Other Miscellaneous Charges				
	Emergency Services - (medical conditions of sufficient severity such that a prudent layperson could reasonably expect the absence of immediate medical attention to result in serious jeopardy of the person's health, serious impairment to bodily functions or serious dysfunction of any bodily organ or part)				
	Emergency Post-stabilization services				
	Doctor's Office Visits				
In the Doctor's Office	Routine Physical Exams				
	Diagnostic Tests and X-rays				
	Immunizations				
	Allergy Treatment & Testing				
Medical Services	Wellness Care				
	Outpatient Surgery				
	Maternity Care				
	Hospital Care				
				Physician Care	
				Inpatient Services	
				Mental Health	
				Outpatient	
Other Services*	Substance Abuse			Inpatient	
				Outpatient	
	Outpatient Rehabilitation Services			Inpatient	
	Durable Medical Equipment				
	Hospice				
	Home Health Care				
	Prescription Drugs				
	Dental Services				
	Vision Care				

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*Copayments and deductibles for these services may not apply to your out of pocket maximums.

Service Area (Boldface Type)

[A summary description of the area to be served by the health care plan.]

Exclusions and Limitations (Boldface Type)

[A summary description of all contract exclusions, exceptions and limitations.]

Pre-certification and Utilization Review (Boldface Type)

[A summary description of the procedures and requirements for pre-certification and other utilization review procedures.]

Emergency Care (Boldface Type)

[A summary description of requirements for and coverage of pre and post emergency care.]

Primary Care Physician Selection (Boldface Type)

[A summary description of procedures and requirements for primary care physician selection.]

Access to Specialty Care (Boldface Type)

[A summary description of referral policies, including standing referrals, and any limitation on access to specialists. This should include access to, and limitations on access to, out of network specialists.]

Out-of-Area Coverage (Boldface Type)

[A summary description of benefits available to the enrollee for out-of-area coverage.]

Financial Responsibility (Boldface Type)

[A summary description to the enrollee of all out-of-pocket expenses, including copayments, deductibles and premiums payable under the policy. When the entire premium is not paid directly by the enrollee, then the enrollee may need to contact the benefit administrator for the level of contribution.]

Continuity of Treatment (Boldface Type)

[A summary description of the health care plan's provision for continuity of treatment in the event that the enrollee's health care provider terminates from

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NOTICE OF EMERGENCY RULES

the plan during a course of care, including time frames for requesting transitional services.]

Appeals Process (Boldface Type)

[A summary description of the process for health care service appeals, complaints, external independent reviews, administrative complaints and utilization review complaints, including time frames and a phone number to call to receive more information from the health care plan concerning the enrollee's appeal process.]

Any enrollee not satisfied with the health care plan's resolution of any complaint may appeal the final plan decision to the Department of Insurance, through the Consumer Services Section, at one of the following locations:

320 West Washington Street
Springfield, Illinois 62767-0001

OR

100 West Randolph Street
Suite 15-100
Chicago, Illinois 60601-3251

You may also contact the Department electronically at <http://www.state.il.us/ins>.

Note: External grievance determinations in most cases are not appealable through the Department of Insurance.

IMPORTANT: In the event of any inconsistency between your Description of Coverage and contract or certificate, the terms of the contract or certificate will control.

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**Section 5420. EXHIBIT C Complaint Record and Column Descriptions
EMERGENCY**

COMPLAINT RECORD			
Column A Health Care Plan ID	Column B Complaint Origin	Column C Function Code	Column D Date Received
Column E Date Closed	Column F IDOI Complaint	Column G External Review	Column H Disposition
EXPLANATION			
1. Column A. Identification Number - This is the identification number used by the health care plan to identify the complaint internally.			
2. Column B. Complaint Origin - complaint was filed by:			
a) Consumer or enrollee;			
b) Provider;			
c) Any other individual.			
3. Column C. Function Code. Complaints are to be classified by function(s) or the health care plan involved as follows:			
a) Denial of care or treatment;			
b) Denial of diagnostic procedure;			
c) Denial of referral request;			
d) Sufficient choice and accessibility of health care providers;			
e) Underwriting;			
f) Marketing and sales;			
g) Claims and utilization review;			
h) Member services;			
i) Provider relations;			
j) Miscellaneous.			
4. Column D. Date Received - date received by the health care plan.			
5. Column E. Date Closed - date closed by the health care plan.			
6. Column F. Insurance Department Complaint - If the complaint was also sent to the health care plan from the Department, the health care plan should provide the IDOI complaint number in this column.			
7. Column G. External Review - indicate by placing an "X" in the column			

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if complaint was processed through external review procedure.

8. Column H. Disposition -

- a) Relief Granted - If the complaint was resolved in favor of the complainant;
- b) Partial Relief Granted - If the complaint was only partially resolved in favor of the complainant;
- c) Information Furnished - The complaint did not require action only information to be provided to the enrollee;
- d) No Relief Granted - If the complaint was not resolved in favor of the complainant.

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NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Administrative and Judicial Review

2) Code Citation: 62 Ill. Adm. Code 1847

3) Section Numbers: 1847.3
Emergency Action: Amendment

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) Effective Date of Amendments: September 23, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will remain in effect for the 150-day period.

7) Date Filed with the Index Department: September 23, 1999

8) Reason for emergency: In Case No. 99-MR-0214, the Circuit Court for the Seventh Judicial Circuit, Sangamon County, Illinois found that the Department's rules lacked a mechanism for an administrative hearing in the case of bond adjustments, in violation of the Illinois Administrative Procedure Act, and temporarily enjoined the Illinois Department of Natural Resources from increasing performance bonds under its current procedures. An Agreement and Order of Dismissal was thereafter reached which prohibited the Department from enforcing its regulations for increasing performance bonds as the regulations currently existed.

9) A Complete Description of the Subjects and Issues Involved: The emergency amendments set forth hearing procedures for situations where the Illinois Department of Natural Resources seeks to adjust a performance bond under the Surface Coal Mining Land Conservation and Reclamation Act. In addition, reference to a non-existent regulation is being deleted.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: This emergency amendment will have no adverse impact on local governments and contains no local government mandates.

12) Information and questions regarding this emergency amendment shall be directed to:

Karen E. Jacobs, Legal Counsel
Illinois Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217)782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

The full text of the emergency amendment begins on the next page.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENT

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1847

ADMINISTRATIVE AND JUDICIAL REVIEW

Section

1847.1 Scope

1847.2 Construction

1847.3 Hearings

EMERGENCY

1847.4 Citation Hearings

1847.5 Civil Penalty Assessment Hearings

1847.6 Show Cause Hearings

1847.7 Bond Forfeiture Hearings

1847.8 Individual Civil Penalty Hearings

1847.9 Bond Release Hearings

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 17 Ill. Reg. 10887, effective July 1, 1993; amended at 20 Ill. Reg. 1919, effective January 19, 1996; amended at 22 Ill. Reg. 20144, effective November 5, 1998; emergency amendment at 23 Ill. Reg. **12484**, effective September 23, 1999, for a maximum of 150 days.

Section 1847.3 HearingsEMERGENCY

- a) Within 30 days after an applicant is mailed written notice of the Department's final decision concerning an application for approval of exploration required under 62 Ill. Adm. Code 1772, a permit for surface coal mining and reclamation operations, a permit revision, a permit renewal, a permit rescission or a transfer, assignment, or sale of permit rights, the applicant, or any person with an interest which is or may be adversely affected, may file a written request for a hearing to contest the decision. The procedures outlined in this Section apply to conflict of interest hearings requested under 62 Ill. Adm. Code 1705.21, review of valid existing right determinations under 62 Ill. Adm. Code 1761.12(g), review of exemption determinations under 62 Ill. Adm. Code 1702.11(f) and 1702.17(c)(2), formal review of decisions not to inspect or enforce under 62 Ill. Adm. Code 1840.17, review of a permit issued pursuant to 62 Ill. Adm. Code 1785.23 and review of bond adjustment determinations under 62 Ill. Adm. Code 1800.15 ~~hearings-requested-under-62-III-Adm.-Code-1773-24~~. Failure to file a request for hearing within this 30 day time period shall result in a waiver of the right to such hearing; requests for hearing filed after the expiration of the 30 day time period shall be dismissed on

DEPARTMENT OF NATURAL RESOURCES

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- b) motion of the Department in accordance with 62 Ill. Adm. Code 1848.12. The hearing request shall state:

- 1) The petitioner's name and address;
 - 2) A clear statement of the facts entitling the petitioner to relief, including the petitioner's interest(s) which is or may be adversely affected by the Department's final decision;
 - 3) How the Department's final decision may or will adversely affect the interest(s) specified;
 - 4) An explanation of each specific alleged error in the Department's final decision, including reference to the statutory and/or regulatory provisions allegedly violated;
 - 5) The specific relief sought from the Department; and
 - 6) Any other relevant information.
- c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- d) Unless a pre-hearing conference has been scheduled or unless the person requesting the hearing waives the 30 day time limit, the Department shall start the hearing within 30 days after the hearing request. The hearing shall be on the record and adjudicatory in nature. No person who presided at an informal conference under 62 Ill. Adm. Code 1773.13(c) or a public hearing under 62 Ill. Adm. Code 1773.14 shall either preside at the hearing or participate in the decision following the hearing.
- e) Notice of hearing. The petitioner and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office.
- f) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least 60 days after the final decision referred to in subsection (j) below is issued.
- g) Burden of proof.

- 1) In a proceeding to review a decision on an application for a new permit:

- A) If the permit applicant is seeking review, the Department shall have the burden of going forward to establish a prima facie case as to the failure to comply with the applicable requirements of the State Act or regulations or as to the appropriateness of the permit terms and conditions, and the permit applicant shall have the ultimate burden of persuasion as to entitlement to the permit or as to the inappropriateness of the permit terms and conditions.
- B) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion by a preponderance of the evidence that the permit application

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fails in some manner to comply with the applicable requirements of the State Act or regulations.

- 2) In all other proceedings held under this Section, the party seeking to reverse the Department's decision shall have the burden of proving by a preponderance of evidence that the Department's decision is in error.

- h) Within 30 days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.

- i) Within ten days after service of the hearing officer's proposed decision, each party to the hearing may file with the hearing officer written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have ten days after service of written exceptions to file a response thereto with the hearing officer. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.

- j) If no written exceptions are filed, the hearing officer's proposed decision shall become final ten days after service of such decision. If written exceptions are filed, the hearing officer shall within 15 days following the time for filing a response thereto either issue his final administrative decision affirming or modifying his proposed decision, or shall vacate the decision and remand the proceeding for rehearing.

- k) Request for temporary relief.

- 1) Any party may file a request for temporary relief at any time prior to a decision by the hearing officer, so long as the relief sought is not the issuance of a permit where a permit application has been disapproved in whole or in part. The request for temporary relief shall include:

- A) A detailed written statement setting forth the reasons why relief should be granted;
 - B) A statement of the specific relief requested;
 - C) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceeding; and
 - D) A showing that the relief sought will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air or water resources.
- 2) The hearing officer may hold a hearing on any issue raised by the request for temporary relief.
 - 3) Within 15 days after the close of the record on the request for temporary relief, the hearing officer shall issue an order or decision granting or denying such temporary relief. Temporary relief may be granted only if:

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- A) All parties to the proceeding have been notified and given an opportunity to be heard on the request for temporary relief;
- B) The person requesting such relief shows a substantial likelihood of prevailing on the merits of the final determination of the proceeding;
- C) Such relief will not adversely affect the public health or safety, or cause significant, imminent environmental harm to land, air or water resources; and

- D) The relief sought is not the issuance of a permit where a permit has been denied by the Department, in whole or in part, except that continuation under an existing permit shall be allowed where the applicant has a valid permit issued pursuant to 62 Ill. Adm. Code 300.

- 1) Judicial review. Following service of the Department's final administrative decision, any person with an interest which is or may be adversely affected and who has participated in the administrative hearing under this Section may request judicial review of that decision in accordance with the Administrative Review Law [735 ILCS 5/Art. III], if:

- 1) The person is aggrieved by the Department's final administrative decision; or
- 2) The hearing officer or Department failed to act within the time limits specified in the Surface Mining Control And Reclamation Act of 1977 (30 USC 1201 et seq.), the Surface Coal Mining Land Conservation and Reclamation Act (State Act) [225 ILCS 720] or this Section.

- 3) Review under this subsection (1) shall not be construed to limit rights established in Section 8.05 of the State Act [225 ILCS 720/8.05].

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective September 23, 1999, for a maximum of 150 days)

12484

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations
- 2) Code Citation: 62 Ill. Adm. Code 1800
- 3) Section Number: 1800.15
Emergency Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) Effective Date of Amendment: September 23, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency will remain in effect for the 150-day period.
- 7) Date Filed with the Index Department: September 23, 1999
- 8) Reason for emergency: In Case No. 99-MR-0214, the Circuit Court for the Seventh Judicial Circuit, Sangamon County, Illinois found that the Department's rules lacked a mechanism for an administrative hearing in the case of bond adjustments, in violation of the Illinois Administrative Procedure Act, and temporarily enjoined the Illinois Department of Natural Resources from increasing performance bonds under its current procedures. An Agreement and Order of Dismissal was thereafter reached which prohibited the Department from enforcing its regulations for increasing performance bonds as the regulations currently existed.
- 9) A complete Description of the Subjects and Issues Involved: The emergency amendments provide permittees with an opportunity for administrative review when the Department seeks to adjust the amount of bond posted.
- 10) Are there any proposed amendments to this part pending? No
- 11) Statement of Statewide Policy Objectives: This emergency amendment will have no adverse impact on local governments and contains no local government mandates.
- 12) Information and questions regarding this amendment shall be directed to:

Karen E. Jacobs, Legal Counsel
 Illinois Department of Natural Resources
 524 South Second Street
 Springfield IL 62701
 (217)782-1809

The full text of the Emergency Amendment begins on the next page.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 62: MINING
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1800

BONDING AND INSURANCE REQUIREMENTS FOR
 SURFACE COAL MINING AND RECLAMATION OPERATIONS

Section	Scope and Purpose
1800.1	Objective (Repealed)
1800.2	Department Responsibilities
1800.4	Definitions
1800.5	Requirement to File a Bond
1800.11	Form of the Performance Bond
1800.12	Period of Liability
1800.13	Determination of Bond Amount
1800.14	Adjustment of Amount
1800.15	EMERGENCY
1800.16	General Terms and Conditions of Bond
1800.17	Bonding Requirements for Underground Coal Mines and Long-Term Coal-Related Surface Facilities and Structures
1800.20	Surety Bonds
1800.21	Collateral Bonds
1800.23	Self-Bonding
1800.30	Replacement of Bonds
1800.40	Requirement to Release Performance Bonds
1800.50	Forfeiture of Bonds
1800.60	Terms and Conditions for Liability Insurance

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9354; amended at 11 Ill. Reg. 7985, effective July 1, 1987; amended at 14 Ill. Reg. 11785, effective January 1, 1991; amended at 17 Ill. Reg. 10916, effective July 1, 1993; amended at 20 Ill. Reg. 1939, effective January 19, 1996; amended at 20 Ill. Reg. 15683, effective December 2, 1996; amended at 22 Ill. Reg. 20157, effective November 5, 1998; emergency amendment at 23 Ill. Reg. 12490, effective September 23, 1999, for a maximum of 150 days.

Section 1800.15 Adjustment of Amount

EMERGENCY

- a) The amount of the bond or deposit required and the terms of the acceptance of the applicant's bond shall be adjusted by the Department from time to time as the area requiring bond coverage is increased or decreased or where the cost of future reclamation changes. The

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NOTICE OF EMERGENCY AMENDMENTS

Department may specify periodic times or set a schedule for reevaluating and adjusting the bond amount to fulfill this requirement.

b) The Department shall:

- 1) Notify the permittee, the surety, and any person with a property interest in collateral who has requested notification under Section 1800.21(e) of any proposed adjustment to the bond amount; and
- 2) Provide the permittee an opportunity for administrative review in accordance with 62 Ill. Adm. Code 1847.3 an--informal--conference on-the-adjustment.
- c) A permittee may request reduction of the amount of the performance bond upon submission of evidence to the Department proving that the permittee's method of operation or other circumstances reduces the estimated cost for the Department to reclaim the bonded area. Bond adjustments which involve undisturbed land or revision of the cost estimate of reclamation are not considered bond release subject to procedures of Section 1800.40.
- d) In the event that an approved permit is revised in accordance with 62 Ill. Adm. Code 1772 through 1785 the Department shall review the bond for adequacy and, if necessary, shall require adjustment of the bond to conform to the permit as revised.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 12490, effective September 23, 1999, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:
310.Appendix A, Table L Amend
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 6) Effective Date: September 23, 1999
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table L RC-008 (Boilermakers), the monthly salary range for the Boiler Safety Specialist is being increased from \$3,984.60 - \$5,145.18 to \$4,036.80 - \$5,345.28, effective September 1, 1999.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: September 23, 1999
- 10) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 12) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.470	Amend	23 Ill. Reg. 5215
310.280	Amend	23 Ill. Reg. 5973
310.230	Amend	23 Ill. Reg. 6533
310.230	Amend	23 Ill. Reg. 6720
310.110	Amend	23 Ill. Reg. 7820
310.130	Amend	23 Ill. Reg. 7820
310.290	Amend	23 Ill. Reg. 7820
310.530	Amend	23 Ill. Reg. 7820
310.540	Amend	23 Ill. Reg. 7820
310.Appendix B	Amend	23 Ill. Reg. 7820
310.Appendix C	Amend	23 Ill. Reg. 7820
310.Appendix D	Amend	23 Ill. Reg. 7820
310.Appendix G	Amend	23 Ill. Reg. 7820

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.230 Amend 23 Ill. Reg. 11750
 310.270 Amend 23 Ill. Reg. 11750
 310.Appendix A Amend 23 Ill. Reg. 11750
 Table AA

13) Statement of Statewide Objectives: This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

14) Information and questions regarding this adopted amendment shall be directed to:

Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 (217) 782-5601

The full text of the Peremptory Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1999
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1999
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A	Negotiated Rates of Pay
HR-190	(Department of Central Management Services - State of Illinois Building - SEIU)
NR-916	(Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1999
APPENDIX C	Medical Administrator Rates for Fiscal Year 1999
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1999
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1999

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17755, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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NOTICE OF PEREMPTORY AMENDMENT

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 5444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; peremptory amendment at 23 Ill. Reg. 12483, effective September 23, 1999.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section 310. TABLE L RC-008 (Boilermakers)

Effective: September 1, 1999

	Minimum Salary	Maximum Salary
Boiler Safety Specialist	4,036.80	5,345.28

Effective:--September-17-1997

	Minimum Salary	Maximum Salary
Boiler-Safety-Specialist	3,684.99	4,652.28

12493
12493

(Source: Peremptory amendment at 23 Ill. Reg. _____, effective September 23, 1999)

SECRETARY OF STATE

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certificate of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1010.420	Amendment
1010.421	Amendment
1010.422	New
1010.423	New
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
July 23, 1999, 23 Ill. Reg. 8335
- 5) Reason for the Withdrawal: The Secretary of State is withdrawing the proposed rulemaking on 92 Ill. Adm. Code 1010 (issuance of temporary registration permits) due to procedural reviews being conducted by the Administration.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

WITHDRAWAL OF NOTICE OF PUBLIC INFORMATION AND NOTICE OF HEARING

The director of Labor hereby withdraws the Notice of Public Information: *Contractor Prohibited from Award of a Contract or a Subcontract for Public Works Projects*, 23 Ill. Reg. 10889 (September 3, 1999). Pursuant to section 11a of the Prevailing Wage Act, 820 ILCS 130/11a (1998), the Director of Labor will convene a hearing on the issues raised in the September 3, 1999 notice, in accordance with Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100/10-5 - 10-70 (1998), and the procedures stated in the Department of Labor's rules at 56 Ill. Adm. Code 100.5 - 100.120.

DATE: OCTOBER 22, 1999

TIME: 10:00 A.M.

PLACE: ILLINOIS DEPARTMENT OF LABOR
160 NORTH LASALLE STREET, SUITE C-1300
CHICAGO, ILLINOIS 60601

Copies of the Prevailing Wage Act are available on the internet at <<http://www.legis.state.il.us/ilcs/ilcs/ch820/ch820act130.htm>>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

**JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY**

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 21, 1999 through September 27, 1999 and have been scheduled for review by the Committee at its October 19, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/6/99	State Board of Education, Student Records (23 Ill Adm Code 375)	5/7/99 23 Ill Reg 5385	10/19/99
11/6/99	State Board of Education, Public University Laboratory Schools (23 Ill Adm Code 452)	7/2/99 23 Ill Reg 7351	10/19/99
11/7/99	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	7/30/99 23 Ill Reg 8603	10/19/99
11/10/99	Illinois Liquor Control Commission, The Illinois Liquor Control Commission (11 Ill Adm Code 100)	7/30/99 23 Ill Reg 8581	10/19/99
11/10/99	Secretary of State, Standard Procurement (44 Ill Adm Code 2000)	5/14/99 23 Ill Reg 5640	10/19/99

Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatate@ccgate.sos.state.il.us (Internet address).

PROPOSED

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